

THE GERMAN
DEMOCRATIC
REPUBLIC
AND THE
UNITED NATIONS

HX

632

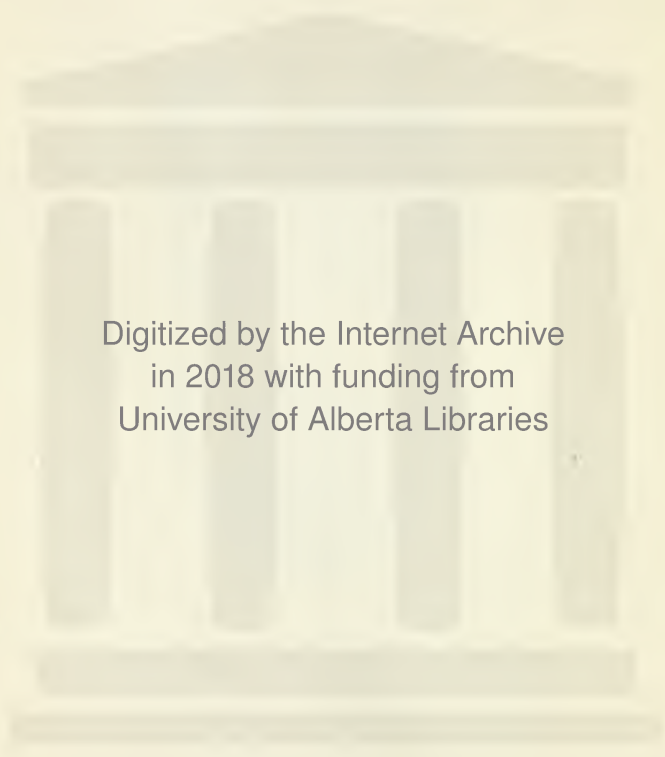
A1

W9

NO. 845

Ex LIBRIS
UNIVERSITATIS
ALBERTAENSIS





Digitized by the Internet Archive
in 2018 with funding from
University of Alberta Libraries

THE GERMAN
DEMOCRATIC REPUBLIC
AND THE
UNITED
NATIONS

DOCUMENTS OF THE GDR 1967

Published by the German League for the United Nations

LIBRARY
UNIVERSITY OF ALBERTA

*Statement of the Government
of the German Democratic Republic
to the
18-Nation Disarmament Committee*

The Government of the German Democratic Republic is in agreement with the overwhelming majority of all states that the proliferation of nuclear weapons threatens the security of all states and obstructs international disarmament. Accordingly, it has opposed for many years the spread of nuclear weapons and has supported the conclusion of a treaty on the non-proliferation of nuclear weapons; it has repeatedly addressed proposals to this end to the West German Federal Republic as well as to the 18-Nation Disarmament Committee, the UN General Assembly and other bodies of the United Nations.

The German Democratic Republic endorses the unanimous appeal of the XXIst Session of the General Assembly of the United Nations Organisation that all necessary steps should be taken to facilitate and bring about the conclusion of a treaty on the non-proliferation of nuclear weapons and that any contrary actions shall be refrained from.

In line with the appeal of the XXIst Session of the UN General Assembly the German Democratic Republic has taken further initiatives in the interests of strengthening peace. Walter Ulbricht, Chairman of the State Council of the GDR, in his 1967 New Year message, made comprehensive proposals for disarmament, for guaranteeing security in Europe and normalising the relations between the two German states. The following proposals were made, inter alia:

- The Governments of the two German states conclude a treaty on the renunciation of the use of force in their mutual relations.
- The Governments of the two German states recognise, in agreed identical statements, the present frontiers in Europe.
- The Governments of the two German states agree contractually upon a reduction of their armaments expenditures each by one half.
- The Governments of the two German states declare their renunciation of the possession, control or share in the control over atomic weapons in any form. At the same time they agree and pledge in a binding form in identical and simultaneous statements their readiness to participate in an atom-free zone in Europe.
- The Governments of the two German states conclude a treaty by which they pledge themselves to adopt jointly and simultaneously for both German states the status of neutrality guaranteed by the powers.

The Government of the German Democratic Republic resolutely supports the conclusion of a treaty barring the spread of nuclear weapons in any form. Such a

treaty must guarantee that the West German Federal Republic is completely barred from access to nuclear weapons, both directly and indirectly. In view of the fact that the West German Federal Republic is the only state in Europe which threatens aggression against other states, which makes territorial claims against them, and which seeks to change the status quo, the prevention of an atomic armament of West Germany is of decisive importance for peace in Europe and in the world.

The Government of the German Democratic Republic points to the fact that the Government of the West German Federal Republic has recently enormously increased its efforts to obtain control over nuclear weapons in one form or another. The West German Government spares no effort, in the form of systematic diplomatic actions and ever new demands and declarations, to prevent the conclusion of a treaty on an effective non-proliferation of nuclear weapons, with the aim of leaving open for itself various possibilities of access to nuclear weapons. The Government of the West German Federal Republic thus shows itself to be the chief trouble-maker and the principal stumbling block on the road to the conclusion of such a treaty.

The official spokesmen of the Government of the West German Federal Republic pose a number of "conditions" for the conclusion of a treaty on the non-proliferation of nuclear weapons, conditions which run counter to the intention of the treaty and would rob it of meaning. The Government of the German Democratic Republic holds that the West German Federal Republic must renounce access to nuclear weapons in all forms and accede to the treaty unconditionally.

The Government of the West German Federal Republic opposes the conclusion of a treaty by demanding, for instance, that the possibility of a "formation of a collective nuclear striking force by a community of nations," a so-called "European joint solution," should be left open. In this way West German military circles intend to use alternative routes to obtain access to, and to share in the possession and in the control of nuclear weapons, in order to be able to carry out their aggressive programme of territorial conquest. The interests of peace demand that this claim should be strictly rejected.

The West German Federal Government also objects to the conclusion of a treaty on the non-proliferation of nuclear weapons on the grounds that West Germany's "security" would be threatened if it had no control over nuclear weapons. In reality nobody threatens West Germany's security; it is rather European security which is threatened by the revanchist claims of the ruling circles of the West German Federal Republic. Nuclear arms for West Germany would most gravely endanger security

in Europe. Security for the peoples of Europe requires that both German states – the West German Federal Republic too – renounce nuclear weapons in any form.

The Government of the West German Federal Republic also opposes the conclusion of a treaty on the non-proliferation of nuclear weapons on the grounds that a renunciation of the production of military fissionable material would lead to “a restriction in the peaceful use of nuclear energy” and to “technical-scientific backwardness.” This is tantamount to the claim that the development of economy, science and technology could be ensured only through the atomic arms race. The Government of the German Democratic Republic knows itself to be in agreement with the vast majority of all states when it resolutely rejects such a false claim which is hostile to peace. Besides, the West German Federal Republic has today at its disposal 35 reactors, either in operation or under construction, and thus has every opportunity to utilise nuclear energy for peaceful, scientific-technical progress and to cooperate fully in international developments in this field.

Ambassador Grewe, West Germany's official representative in the NATO Council, revealed the real idea underlying the objections of his government to a treaty on the non-proliferation of atomic weapons when he stated that West Germany could not become a “*great power*” without “*nuclear weapons of its own*.” It is rather the aggressive imperial claim to be a big power, and not concern for scientific progress which lies at the root of all the “conditions” and “objections” put forward by the West German Government against the conclusion of an atomic non-proliferation treaty.

The Government of the West German Federal Republic, through its Ambassador Grewe, officially lays claim to a “production of nuclear weapons of its own”. It has made preparations for this for years. Today the efforts to create the material-technical basis for its own nuclear weapons and rockets industry are already well advanced in the Federal Republic. Extensive work of military character is being done in the fields of nuclear, rocket and cosmic technology. Expenditure in these fields rose suddenly to many times its previous level in the past few years.

In West Germany there exists the greatest stockpile of nuclear warheads stored abroad by the USA; this threatens all other European countries. The Government of the West German Federal Republic does not only insist that these nuclear weapons should remain in West Germany; West German Defence Minister Schroeder, on February 12th 1967, demanded once again the stationing of more nuclear weapons under the command of the Bundeswehr on the frontiers facing the German Democratic

Republic and the Czechoslovak Socialist Republic. The West German Government categorically refuses its participation in a nuclear-free zone in Europe. Thus the West German Federal Republic is not free of nuclear weapons and fulfils none of the conditions for putting itself on a par with non-nuclear states.

In view of the intensified efforts of the Government of the West German Federal Republic to get control of nuclear weapons, the creation of the Permanent Nuclear Committee of NATO in December 1966 and the inclusion of West Germany in the so-called "Nuclear Planning Group" means a new dangerous concession to the aggressive expansive course of this government. Members of the Federal Government have already declared publicly that they will make use of this body to obtain West German participation in the working-out of guiding principles, plans, programmes and procedures for the use of nuclear weapons by the NATO states including the strategic nuclear weapons of the USA not under the control of NATO. These additional and new possibilities only further encourage the militarist and revanchist forces of West Germany in their striving for nuclear weapons. This is all the more dangerous for European and world peace since the West German Federal Republic is now, according to the declaration of the new Chancellor, passing on to a policy of expansion.

The character of the policy of the West German Government which is dangerous to peace expresses itself above all in an intensified clinging to the claim to sole representation, a claim incompatible with international law and the fundamental principles of the UN Charter. It denies the realities which came into existence on the European continent as a result of the Second World War, and refuses to establish peaceful, normal relations with the sovereign German peace state, the German Democratic Republic. All the demands and "conditions" made by West Germany aiming at access to nuclear weapons stand in crass contradiction to the requirements of European security. They contradict fundamentally the Potsdam Agreement, the basic principles of the United Nations Charter, and the resolutions of the United Nations General Assembly, and even agreements including obligations of the Government of the West German Federal Republic towards its allies.

The Government of the German Democratic Republic therefore demands that the Government of the West German Federal Republic should refrain from its policy of putting obstacles on the way to the conclusion of a treaty on the non-proliferation of nuclear weapons, and that it should comply with the appeal of Resolution 2149 (XXI) of the United Nations General Assembly; this was done on November 10th 1966 by the Government of the German Democratic Republic in a telegram from

Otto Winzer, Minister of Foreign Affairs, to the President of the XXIst Session of the United Nations General Assembly.

The Government of the German Democratic Republic confirms its disarmament proposals

- that the Governments of the two German states should renounce the possession, control or share in the control of nuclear weapons in any form,
- that the Government of the West German Federal Republic should join the readiness repeatedly declared by the Government of the German Democratic Republic to accede without any conditions and reservations to a treaty on the non-proliferation of nuclear weapons,
- that the nuclear powers, insofar as they have stationed nuclear weapons on German soil, should remove these weapons from German territory, so that both German states should be free of nuclear weapons and remain free of nuclear weapons,
- that the Government of the West German Federal Republic, in the interest of securing European security, should declare its readiness to participate in a nuclear-free zone in Europe.

In making these proposals the Government of the German Democratic Republic knows that it is completely in agreement with the standpoint of the peoples and governments which are striving for effective measures for the consolidation of peace and security in Europe and in the world.

The Government of the German Democratic Republic requests the Member States of the 18-Nation Disarmament Committee to support the proposals submitted by it and to consider them as an expression of the firm determination of the Government of the German Democratic Republic to facilitate and expedite the conclusion of a treaty prohibiting the proliferation of nuclear weapons. The Government of the German Democratic Republic is at any time ready to submit this point of view directly to the Session of the Committee through its authorised representatives.

Berlin, March 7th 1967

*Statement of the Government of the German Democratic Republic to
the 18-Nation Committee on Disarmament*

The Government of the German Democratic Republic has for years worked for the renunciation by both German states of nuclear weapons. It supports all steps which can prevent the proliferation of nuclear arms. For this reason the Government of the German Democratic Republic welcomes the draft treaty on the non-proliferation of nuclear weapons submitted by the delegation of the USSR to the 18-Nation Committee on Disarmament. It views the draft as an appropriate basis for the early conclusion of a treaty excluding the further spreading of nuclear weapons in any form.

The Government of the German Democratic Republic shares the view of almost all states of the world which see in the early conclusion of an effective treaty on the non-proliferation of nuclear weapons a contribution to reducing the danger of an atomic world war. It also works resolutely for a nuclear weapons non-proliferation treaty because it would enhance the security of the peoples of Europe.

The Government of the German Democratic Republic has worked out a constructive program for the indispensable contribution of both German states to the bringing about of European security. It proposed to the Government of the West German Federal Republic that relations between the two German states be normalized, that the use of force in their mutual relations be renounced by treaty, that arms expenditures be cut by one half each, that the renunciation by both German states of the possession, control or share in the control over nuclear weapons in any form be agreed upon and that they participate in a nuclear-weapon-free zone in Central Europe.

The endeavours of the German Democratic Republic and of many other European states to establish an effective system of security in Europe would benefit from an international treaty on the non-proliferation of nuclear weapons preventing the nuclear arming of the West German Federal Republic.

In this connection the Government of the German Democratic Republic feels called upon to expound its views on some questions of the contents of such a treaty.

Owing to its lack of sources of natural energy the German Democratic Republic takes a greater interest than some other states in the use of atomic energy for peaceful purposes. Precisely for this reason it supports the Soviet draft treaty binding the signatory states to promote the peaceful use of atomic energy and providing for comprehensive international cooperation in this sphere. The participation of all signatory states in the peaceful use of atomic energy on a basis of equality would be reliably ensured under this provision of a treaty on the non-proliferation of nuclear weapons. The Government of the German Democratic Republic therefore sees no discrimination whatever in a treaty on the non-proliferation of nuclear weapons. Such

a treaty could check the atomic arms race, counteract the waste of resources for military purposes and thereby release considerable additional scientific and financial potentialities for the peaceful use of nuclear energy.

The Government of the German Democratic Republic resolutely works for an effective control of the peaceful use of atomic energy orientated on the basic objectives of the treaty thus guaranteeing the observance of a treaty on the non-proliferation of nuclear weapons. It views the control by the International Atomic Energy Agency (IAEA) to which the big majority of UN member states belong as a suitable instrument to assure the adherence to the provisions of a treaty on the non-proliferation of nuclear weapons.

The Government of the German Democratic Republic rejects any attempt to prevent an effective control of the observance of a treaty on the non-proliferation of nuclear weapons. A so-called control by EURATOM, a closed monopolistic grouping formed exclusively by members of NATO with considerable influence being exerted by the West German Federal Republic, is incompatible with an effective control of the observance of the provisions of a nuclear weapons non-proliferation treaty since it would mean nothing but a self-control by the West German Federal Republic.

The Government of the West German Federal Republic, which maintained for years that international control was an absolute prerequisite for any move towards relaxation and disarmament, today most stubbornly opposes a uniform control of the non-proliferation of nuclear weapons. It becomes clear now that it wants to evade an effective control to keep open – in one way or other – access to nuclear weapons.

The assertion of the West German Federal Government that it “definitively renounced the production of nuclear, bacteriological and chemical weapons already on October 3rd 1954” is intended to disguise the real state of affairs. The then West German Chancellor Adenauer declared in a statement on October 3rd 1954 that the West German Federal Republic only obligated itself not to produce nuclear weapons *on its own territory*. The West German Federal Republic has, however, by no means renounced the acquisition of nuclear weapons, their production abroad or their use and the training of the West German army in the handling of nuclear weapons. It has, for example, concluded far-reaching agreements with the Republic of South Africa on the production and testing of atomic weapons on South African territory.

The West German Federal Republic has the prerequisites for its own nuclear arms production. Its opposition to uniform control by the International Atomic Energy Agency can only be interpreted as the intention to keep roads open to the production

of nuclear weapons, alone or in cooperation with other states, and to control over nuclear weapons within the framework of regional groupings.

The Government of the German Democratic Republic holds the view that a treaty on the non-proliferation of nuclear weapons must be concluded for an unlimited period. Only then can such a treaty become fully effective for the noble aim of safeguarding peace, of humanity, international relaxation and security.

In open contradiction to the establishment of an atmosphere of confidence among all states, which is an indispensable prerequisite for taking steps towards effective disarmament, the Government of the West German Federal Republic demands a "time limitation in the treaty" or far-reaching possibilities for revision. Both are suited to encourage aggressive intentions.

The West German Federal Government opposes the cancellation clauses of the draft treaty because they do not permit an arbitrary withdrawal from it. This makes it quite clear that the West German Federal Government aims at keeping open an access to nuclear weapons for a later date.

It is not by chance that the Government of the West German Federal Republic raises every possible objection to a treaty on the non-proliferation of nuclear weapons. These objections are designed to cover up the actual reasons for the West German government's opposition to the conclusion of such a treaty.

The West German Federal Government regards nuclear weapons as suitable instruments for implementing its efforts to revise the status quo. The aggressive sole representation pretension and the striving for a revision of the frontiers in Europe are to be given weight with atomic weapons as "a military potentiality". In this connection the Government of the German Democratic Republic points to the fact that the Government of the West German Federal Republic persistently refuses to agree on a binding renunciation of the use of force with the German Democratic Republic and to recognize the existing frontiers in Europe.

The Government of the German Democratic Republic has a special interest in the speedy conclusion of a treaty on the non-proliferation of nuclear weapons since the maintenance and safeguarding of peace is the highest concern of its foreign policy and because preventing West German atomic armament is a key question for security in Europe and the future of the German nation. It expresses the expectation that the member states of the Eighteen-Nation Committee on Disarmament will be guided by Resolution 2028 (XX) of the United Nations General Assembly, according to

which a treaty on the non-proliferation of nuclear weapons may contain no loopholes which could permit a direct or indirect further spreading of nuclear weapons.

The Government of the German Democratic Republic will, for its part, make every effort, in accordance with Resolution 2149 (XXI) of the United Nations General Assembly, to facilitate the conclusion of a treaty on the non-proliferation of nuclear weapons. It reaffirms that its proposal for both German states to renounce the possession, control or share in the control over nuclear weapons in any form is valid now as before. At the same time, the Government of the German Democratic Republic is of the opinion that such a renunciation by the German Democratic Republic and the West German Federal Republic could also be achieved by their accession to a world-wide treaty on the non-proliferation of nuclear weapons as envisaged in the draft treaty submitted by the USSR.

Accession by both German states to the treaty on the non-proliferation of nuclear weapons would be an important contribution to European security and could have a favourable effect on efforts for effective measures for nuclear and conventional disarmament.

Berlin, October 10th 1967

*Statement of the Government of the German Democratic Republic
on the Situation with regard to the Negotiations
on the Treaty of Non-Proliferation of Nuclear Weapons*

The Government of the German Democratic Republic feels called upon to point out once more with due emphasis that the early conclusion of a treaty on the non-proliferation of nuclear weapons which reliably prevents atomic armament in the West German Federal Republic constitutes a key issue in guaranteeing European security and preserving world peace. It corroborates its conviction that the draft submitted by the USSR to the 18-Nation Committee on Disarmament in Geneva provides an appropriate basis for a treaty precluding the further spread of nuclear weapons. The conclusion of such a treaty could prevent any increase in the number of powers possessing nuclear weapons and thus counteract a heightening of the danger of atomic wars. At the same time, such a treaty would create more favourable conditions for steps on the road to effective disarmament measures.

The latest activities of the West German Federal Republic within the imperialist bloc of NATO and EURATOM can only further corroborate and confirm the statement of the Government of the German Democratic Republic that the Bonn government's striving for nuclear weapons is the main obstacle to the conclusion of such a treaty.

The acts of interference on the part of the West German government are particularly aimed at preventing an effective control system being provided for in the non-proliferation treaty, without which the treaty would lose its meaning. The West German government wants to evade a uniform and effective control of its nuclear energy installations by the International Atomic Energy Agency (IAEA), a worldwide organization within the system of the United Nations, and replace it by an alleged control system of EURATOM – an organization composed of six Western European states – which in fact amounts to no control at all. With the presumptuous statement that the IAEA must not be raised to the level of a “control organ over EURATOM”, the West German imperialists demand an exceptional position in order to dodge in this way any international control in developing and producing nuclear weapons.

After exerting pressure for months, the West German government has forced upon the other EURATOM states so-called principles for an alleged control article in the treaty banning the further spread of nuclear weapons. These principles have nothing whatsoever in common with genuine control, for they provide that any nuclear energy installations should be exempted from any control from the very beginning. Control – or rather non-control – by EURATOM is to be confined merely to fissionable material, and the International Atomic Energy Agency in Vienna is

expected to confirm the "control reports" submitted to it by EURATOM without being able to check up on anything. To proceed in such a way would mean to degrade the International Atomic Energy Agency to the status of a registry office and to practically subordinate it to EURATOM.

Without exception, the Bonn "principles" are aimed at preventing the conclusion of an effective treaty on the non-proliferation of nuclear weapons and at keeping all roads open to the production, possession and control of nuclear weapons by the West German government. The Government of the West German Federal Republic regards the possession of nuclear weapons as a means to lend weight to its dangerous and aggressive policy of changing the territorial status quo and the frontiers in Europe.

With all due seriousness the Government of the German Democratic Republic points to the mounting danger emanating from the striving for nuclear weapons of the West German Federal Republic for the peace and security of the peoples of the whole world. The German militarists who already made a mockery of any international control when preparing the Second World War in order to camouflage their tank and air-force armament, are making the same attempt today so as to be able to cover up their striving for the acquisition or production of nuclear weapons and rockets. The Government of the German Democratic Republic calls upon all peoples and states to make joint efforts in opposing this policy of the West German Federal Republic which is of extreme danger to peace and to do everything in order to ensure the early conclusion of an effective treaty on the non-proliferation of nuclear weapons.

Berlin, November 5th 1967

*Statement of the Council of Ministers of the German Democratic Republic
on the Israeli Aggression against Arab States*

Israel launched an aggression against the United Arab Republic on June 5th. Israeli planes have bombed airfields of the United Arab Republic, the Syrian Arab Republic, and Jordan as well as the Suez Canal zone, positions of the UAR army along the UAR frontier with Israel, and the Sharm el-Sheikh base on the Sinai Peninsula. Next to this Israeli troops invaded the territory of the United Arab Republic.

The Israeli aggression has been carefully prepared together with the United States and the West German Federal Republic. There is an obvious interdependence between the manoeuvres of the US 6th fleet in the eastern Mediterranean, the monarcho-fascist military putsch in Greece, West Germany's long-standing comprehensive supplies of tanks and other war material to Israel, and the Israeli aggression.

The Israeli Government is carrying out the aggression against the Arab States – as was the case with its aggression in 1956 – in the form of a “blitzkrieg”. It enjoys military support from imperialist powers.

Within the framework of the so-called global strategy primarily the Governments of the United States of America and the West German Federal Republic are eager to instigate conflicts in the Arab countries in order to secure their imperialist positions and oil profits, to undermine the national independence of the Arab States, to continue the exploitation of these peoples, and to prevent their social progress. To reach these objectives, they use the ruling aggressive circles of Israel which fulfils the role of an imperialist spear-head against the Arab peoples.

This is the real background to the Israeli aggression and the imperialist plots. Nobody constitutes a greater danger to the lives and fates of the Jewish population of Israel than the ruling militaristic circles in Tel Aviv and their adventurous policy in the service of imperialism.

The Government of the German Democratic Republic, which consistently advocates the preservation and consolidation of peace, most strongly condemns the Israeli aggression which harbours the danger of a spread of the military conflict. It emphatically demands that the aggressive Israeli acts be stopped immediately and the Israeli troops taken back to the position they had before the aggression. It demands an immediate end to the direct and indirect support of Israel through the imperialist states, especially through the United States and the West German Federal Republic, and the immediate withdrawal of the US 6th fleet from the Mediterranean.

The GDR Government again urges the Government of the West German Federal Republic to stop immediately its military and all other support for the Israeli

aggressors so as not to burden itself with yet more guilt for the situation which has come about.

The Government of the GDR affirms its full solidarity with the UAR, the SAR, Iraq, Algeria, and the other Arab States which defend their national freedom, sovereignty, and dignity. It will contribute to the best of its abilities to ending the aggression and restoring peace. The Government of the GDR declares that it is prepared to grant the Arab States and peoples support and aid.

The Government and people of the GDR will continue to emphatically support the struggle of the Arab States for the defence of their sovereignty, territorial integrity and freedom, against the aggression of Israel and its imperialist wire-pullers.

The GDR expresses its conviction that the Arab States and peoples, together with all progressive sections in the world, will be successful in checking the aggressors, restoring peace, and guaranteeing respect for the United Nations Charter.

Berlin, June 7th 1967

*Statement of the Government of the German Democratic Republic
to the Special Session of the United Nations General Assembly*

The Government of the German Democratic Republic deems it necessary to set forth to the special session of the United Nations General Assembly meeting in a grave international situation its attitude to the aggression of Israel against Arab states and to the steps which in accord with the norms of international law are required to be taken with a view to protecting the territorial integrity of the invaded Arab states, restoring the rights of the Arab peoples and making good the damage and suffering inflicted on them.

In its attitude towards the Israeli aggression against the Arab states the Government of the German Democratic Republic has to proceed from the fact that the second German state, the West German Federal Republic, takes a special interest in this aggression. West Germany used to be and continues being a main supplier of arms to Israel and a military instructor of the Israeli army. This active support rendered in the preparation and launching of Israel's aggression has its reasons in the imperialist interest of the West German Federal Republic to suppress the progressive movement in the Arab countries with a view to changing the political balance of power in the world. The aggressive activity of the West German political forces against the Arab peoples serves neo-colonialism with the old aims of German imperialism in the Near East being pursued.

The West German Federal Republic has played a prominent role in arming Israel and in strengthening it economically and militarily as an imperialist bridge-head in the Near East. Under the pretext of alleged "reparations" for the crimes committed by Hitler fascism against the Jews, the West German Federal Republic supplied as a gift to Israel arms of all types, heavy industrial equipment and other goods valued at 3,450 million marks, which helped considerably to increase Israel's armament potential. In addition, under a secret arms agreement negotiated between the then Chancellor Adenauer and Israeli Prime Minister Ben Gurion, the West German Federal Republic, up to 1966, made gifts of war material to Israel to the value of 660 million marks, starting with arms of West German origin and later continued with helicopters bought in the USA and 200 American M 48 tanks. In addition to the tanks Israel received from the West German Federal Republic, according to West German publications, in only the first stage some 50 planes, including Noratlas transporters, DC-27 liaison aircraft and Fouga-Magister jet trainers, also helicopters, lorries, fully-automatic 4-cm-anti-aircraft guns with the requisite electronic control equipment, 36 howitzers and guided anti-tank rockets of the West German Cobra type. More than 5,000 Israeli officers and soldiers were trained by the

Bundeswehr in West Germany for aggressive war based on the infamous "forward strategy". Immediately before the aggression was started, on June 1, the West German government decided to send 20,000 gas-masks as well as lorries to the Israeli army.

It is known that ten Arab states broke off diplomatic relations with the Federal Republic as early as spring 1965 in protest against West Germany's open cooperation in Israel's preparations for aggression.

After the aggression has been committed, the ruling circles of the West German Federal Republic seek to justify the treacherous Israeli attack launched against the Arab states, defend the aggressor and exploit the experiences of the Israeli "blitz" war for their own aggressive policy against the German Democratic Republic and other socialist states of Europe in order to bring about a revision of the territorial status quo in Europe. In this connection the revanchist forces in West Germany propagate the possibility of "limited wars" on the grounds that according to the latest experience in the Near East "wars were more than ever before a means of politics".

Referring to a study of the chiefs of the general staff of NATO and in connection with Israel's blitz aggression the weekly paper "Bayernkurier" of West German Finance Minister Franz Joseph Strauss pleads for "energetic forward defence, which will also secure territorial pawns in Central Europe deep in the territories of the Warsaw Pact".

Any acceptance of the aggression of Israel, any toleration of the occupation of Arab territories by Israel thus also threatens the peace and security of Europe and the world, because they would encourage the aggressive forces of the imperialist powers to make other blitz war attempts.

The Government of the German Democratic Republic is of the opinion that Israel's military attack on the United Arab Republic, the Syrian Arab Republic and the Kingdom of Jordan cannot be regarded as an accidental conflict of limited significance. Israel's aggression must rather be seen in the context of the "global strategy" formulated by the NATO military bloc, which provides for "limited local actions to secure a pawn for exerting pressure and operational objectives" which can be attained in a relatively short time. Both the course of the aggression and the demands raised by the Israeli, US, British and West German sides to secure pawns for the annexation of Arab territories corroborate this statement.

The Israeli aggression had long been prepared with this aim in mind and with the active participation of the USA, Great Britain and the West German Federal

Republic. The aggression was launched with the declared intention of securing for the imperialist powers strategic positions in the Near and Middle East as well as the continued exploitation of the mineral wealth, especially of the rich petroleum deposits of the Arab countries. That is why the national independence of the Arab states was to be undermined, their hard-earned social progress nullified and the national liberation movement thrown back. Israel has made itself a tool for these imperialist plans and intentions. In exchange, the USA, Great Britain and the West German Federal Republic have equipped it with the most up-to-date offensive weapons and such barbarous means of extermination as napalm.

In November 1966 the so-called "North Atlantic Assembly", in connection with the problems of the developing countries, affirmed the importance of the "forward strategy" and called upon the NATO states "to strengthen the flanks of the Atlantic front, especially in the South-East, both militarily and economically".

In implementation of this directive the NATO military bloc intensified, in the months following, the preparations for an attack against the progressive anti-imperialist forces in South-Eastern Europe and the Arab countries. In April 1967 the democratic people's movement in Greece was forcibly suppressed by a fascist military coup.

In May 1967 the NATO review "Revue Militaire Générale" which is published under the patronage of the US Supreme Commander of NATO Forces in Europe, General Lemnitzer, and the West German Commander in Chief of the NATO Forces Central Europe, former Hitler General Graf von Kielmansegg, dealt with the problem of how NATO could militarily safeguard the flow of oil from the Arab countries to Western Europe. In this review the British Vice-Admiral Schofield suggests that the "Middle East area should be brought within the orbit of either a revised NATO, or within that of an expanded CENTO". He demands that "action" should be taken in order to "meet this new situation". The strategic study of the British Vice-Admiral in the NATO review concludes with the aggressive assertion that "in the Middle East a vacuum is about to occur which it is up to the nations of Europe to fill". That is the de facto demand for the subjection of the Arab peoples to the colonial rule of the imperialist powers again.

Immediately after Israel's aggression the foreign ministers of the NATO states, at their meeting in Luxemburg on June 13-14, coordinated their further aggressive objectives against the Arab countries. In this connection US Secretary of State Rusk called for an unhindered flow of Arab oil to the NATO states and for the securing

of the South-Eastern flank of NATO by extending the military positions of the imperialist states in the Near East.

The Government of the German Democratic Republic draws attention to the dangerous consequences of the Israeli aggression for European and international politics and appeals to the special session of the United Nations General Assembly not to allow the aggressor Israel to reap any reward for its treacherous attack, not to allow it to continue to occupy Arab territories and disregard the recognized norms of international law, the principles of the United Nations Charter and its resolutions.

The Government of the German Democratic Republic has long drawn the attention of the international public to the peace-endangering nature of the extensive military supplies by the West German Federal Republic to Israel.

Faithful to its anti-imperialist peace policy, the German Democratic Republic has sided with the Arab peoples which have now fallen victim to aggression and has done its utmost to support their struggle for national independence and their endeavours for social progress. It is determined to continue its support and assistance for the Arab states and peoples in order to help overcome the aftermath of the aggression against them in the shortest possible time.

The Government of the German Democratic Republic, whose policy is in conformity with the Charter and resolutions of the United Nations and is consistently aimed at the maintenance and consolidation of peace, emphatically condemns the aggression against the Arab states and expects the special session of the United Nations General Assembly to adopt unequivocal resolutions which effectively meet Israel's aggression and its annexationist plans. The peace forces of the world must not permit any other imperialist aggressions.

The United Nations Organisation will fulfil its obligation if it – relying on the will of the peoples for peace –

1. condemns Israel as an aggressor;
2. ensures by appropriate measures that the Israeli troops immediately withdraw to their original positions held before the aggression;
3. secures the unconditional territorial integrity of the Arab states;
4. imposes on Israel the obligation to pay immediate and full reparation for the damage caused to the victims of the aggression;
5. guarantees the return to their homes of the Arab refugees expelled by the aggressors;
6. imposes on Israel the obligation to adhere strictly to the Geneva Conventions on

the treatment of war prisoners, the protection of wounded and ill persons in the field and the civilian population in times of war, and the Convention on the prevention and punishment of genocide.

The Government of the German Democratic Republic expresses its hope that the special session of the United Nations General Assembly will effectively contribute with its resolutions to curbing the aggressors in all parts of the world and creating an atmosphere of peaceful cooperation among the states.

Berlin, June 20 1967

*Statement of the Ministry of Foreign Affairs of the
German Democratic Republic on the occupation of South Korea
by United States and other foreign forces*

The Foreign Ministers of a number of United Nations member countries (the Byelo-Russian Soviet Socialist Republic, Bulgaria, Czechoslovakia, Cuba, Mongolia, Poland, the Soviet Union, the Ukrainian Soviet Socialist Republic and Hungary) have sent a joint letter to UN Secretary General U Thant requesting that the question of the withdrawal of the American and all the other foreign troops that are occupying South Korea under the flag of the United Nations be placed on the agenda of the 22nd General Assembly.

The GDR Ministry of Foreign Affairs welcomes this initiative and expects that the United Nations, meeting its lofty responsibility toward the peoples, will undertake all the steps necessary to put an end to the occupation of South Korea by foreign troops.

The withdrawal of the American and other foreign troops from South Korea is imperative in order to guarantee the peace in Korea and to enable the Korean people to decide freely and uninfluenced by the occupying troops about the peaceful solution of its national question.

The GDR wholly supports the relevant demands the Government of the Korean People's Democratic Republic reiterated in its statement of August 21st 1967 because they serve international relaxation and meet the interests of all the peace-loving peoples of the world.

The US imperialists and the reactionary Pak-Tshon-Hi clique that rules South Korea are stepping up their aggressiveness against the Korean People's Democratic Republic and are steadily fanning tensions in the Far East. The provocations the American occupying forces recently staged systematically along the 38th parallel against the Korean People's Democratic Republic prove clearly that the presence of US troops in South Korea is bringing about grave dangers to peace in this part of the world.

It is obviously not accidental that these dangerous provocations in Korea coincide with the escalation of the US aggression in Vietnam which the South Korean puppet regime supports actively. This coinciding is indicative of imperialism's world-wide boosted aggressiveness – as is Israel's aggression against the Arab peoples which the imperialist Powers supported.

The Government of the West German Federal Republic is also playing an active part in this dangerous aggravation of the situation in Korea. True to its policy of supporting every imperialist aggression, the governing circles in Bonn are backing the reactionary regime in South Korea in every possible way in order that it may carry out its provocative policy against the Korean People's Democratic Republic.

Both the visits West German President Lübke and other prominent Bonn politicians paid to South Korea and the approximately 500 million marks worth of so-called capital assistance West Germany has granted South Korea over the past years bear expressive witness to this fact.

The aggressive imperialist machinations, which threaten peace and the peoples' vital interests, need to be opposed decisively. It is essential that the just demands of the Government of the Korean People's Democratic Republic for the withdrawal of the American and other foreign troops from South Korea be fulfilled so that tensions may be lessened in the Far East and the road may be paved for the Korean people to solving its vital questions peacefully.

Berlin, August 30th 1967

*Statement of the Government of the German Democratic Republic
on Resolution 232 of the United Nations Security Council
of December 16th 1966 concerning the application of sanctions
against the racist Smith regime in Southern Rhodesia*

The Government and people of the German Democratic Republic follow the developments in Southern Rhodesia which began with the *coup d'état* of the racist minority regime of November 11th 1965 with attention and great concern.

The Government of the German Democratic Republic has taken note of Resolution (S/RES/232 [1966]) of the Security Council of December 16th 1966 which calls upon all states not to grant financial or other economic aid to the illegal racist regime in Southern Rhodesia. In paragraph 7 of that Resolution the Security Council urges all states which are not members of the United Nations Organisation also to abide by the provisions of the Resolution.

On this occasion the Government of the German Democratic Republic reaffirms its determination to fulfil without reservation the demands set forth in the Resolution of the Security Council.

Faithful to its consistent anti-imperialist and anti-colonialist policy the Government of the German Democratic Republic supports the just struggle of the African population of Southern Rhodesia for freedom and independence and actively works to bring about an end to the racist regime. In doing so it also acts in accordance with Article 2, paragraph 6, of the United Nations Charter which obligates states which are not members of the United Nations Organisation to act in accordance with the principles of the Charter so far as may be necessary for the maintenance of international peace and security.

Already in its statement of November 13th 1965 and in a statement of the Ministry of Foreign Affairs of the GDR of June 9th 1966 the Government of the German Democratic Republic made it clear that it refuses to recognise the racist regime in Southern Rhodesia which is contrary to international law and that even at that time it broke off all commercial relations with Southern Rhodesia.

The Chairman of the UN Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples was also informed of this attitude by the Deputy Minister of Foreign Affairs in a telegram on April 7th 1966 (see Doc. A/6300 [Add. 1/Part. 1]).

The Government of the German Democratic Republic regrets all the more the inconsistent attitude of the Government of the United Kingdom of Great Britain and Northern Ireland of not meeting its obligation to take such effective measures against the regime in Southern Rhodesia created by a *coup d'état* as would lead to its elimination.

At the same time the Government of the German Democratic Republic notes with

concern that the Government of the West German Federal Republic continues co-operation with the racist regime in Southern Rhodesia to this day, a cooperation which finds expression in the considerable volume of mutual goods exchanges.

The UN documents (A/6300 [Add. 1]), for example, give evidence of the fact that the West German Federal Republic accounts for 40.8 per cent of all Southern Rhodesian exports going to Western Europe and that West German exports represent 29.1 per cent of Western European exports to Southern Rhodesia. The volume of West German imports from Southern Rhodesia rose from a monthly average of 3.8 million dollars in 1965 to a monthly average of nearly 5 million dollars in 1966.

The visit of the present West German Minister of Finance Strauss to Salisbury in spring 1966 and the fact which became known recently that bank-notes for the Smith regime are being printed in West Germany with the explicit approval of the Federal Government are another expression of the close cooperation and the active support given to the racist regime of Southern Rhodesia by the Government of the West German Federal Republic.

These facts as well as the most recent statements of the West German Government according to which only such economic measures will be taken with regard to Southern Rhodesia which can become effective only after one or two years contradict the Resolution of the Security Council of December 16th 1966 and the obligations placed in it on all non-member states of the United Nations Organisation and thus also on the West German Federal Republic.

The Government of the German Democratic Republic therefore considers it urgently necessary for the West German Federal Republic, in accordance with this Resolution of the Security Council and the United Nations Charter, finally to stop its political, economic, financial and military support for the racist Smith regime in Southern Rhodesia.

The Government of the German Democratic Republic is decisively in favour of all states carrying out the sanctions decided by the Security Council without restriction, because only in this way can genuine progress be achieved in the implementation of the African population's right to self-determination and the elimination of the illegal racist regime in Southern Rhodesia.

Berlin, Jan. 21st 1967

Statement

of the Government of the German Democratic Republic to the Twenty-Second Session of the UN General Assembly on Agenda Items

"Activities of Foreign Economic and Other Interests Which Are Impeding the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Southern Rhodesia, South West Africa and Territories under Portuguese Domination and in All Other Territories under Colonial Domination"

and

"Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples"

The Government of the German Democratic Republic welcomes the resolution passed at the Twenty-First Session of the UN General Assembly (Resolution 2189) to discuss, as a special agenda item, the activities of foreign economic and other interests which are directed against the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Document A/1514 [XV]). Thus, the United Nations Organisation has made a central aspect of the struggle against the remnants of colonialism and racism and against neo-colonialism a direct subject of its discussions.

The Government of the German Democratic Republic shares the opinion which was expressed on various occasions in the recent past in the UN General Assembly and in the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples that it is the profit interests of international monopolist groups as well as economic and military-strategic interests of the principal imperialist powers which are one of the main causes for the slow and inconsistent liquidation of colonialism.

The continued existence of colonialism in its various forms in the African territories under Portuguese colonial domination as well as in Southern Rhodesia, South West Africa, Aden, Oman, French Somalia and in many small territories, which are denied the right to self-determination by the imperialist powers also because of strategic interests, constitutes a potential threat to peace and international security. These dangers and the threat posed to the independent states, especially in Africa, by the enclaves of the imperialist power system are considerably heightened by the efforts backed by the principal imperialist powers to form a bloc of racist regimes in the South of Africa which is to consist of the South African Republic, South West Africa, Southern Rhodesia and the Portuguese colonies of Angola and Mozambique.

This imperialist policy of suppressing the peoples' right to national self-determination, political and economic independence and social progress finds its most brutal expression in the aggression of US imperialism against the Vietnamese people, the Israeli aggression against Arab states and in imperialist plots against the independence and social progress of other states in Asia, Africa and Latin America.

Therefore, the Government of the German Democratic Republic joins various UN bodies in condemning the activities of foreign economic and financial interests in still dependent territories as being one of the main obstacles standing in their way to independence. It agrees with the representatives of many Afro-Asian states that the continuous violation of UN resolutions by the principal imperialist powers, which

continue to render political, economic and military support to the colonialist and racist regimes, threatens peace and prevents these territories from gaining independence. It emphatically endorses the demand that the military bases of the imperialist powers in the still dependent territories should be dismantled.

In the interest of an early and effective implementation of the resolutions adopted by the United Nations which demand the elimination of colonialism in all its forms, the Government of the German Democratic Republic feels called upon to state again that the activities of West German monopolies in the still dependent territories and the neo-colonialist policy pursued by the Government of the West German Federal Republic are major obstacles in the way to the complete liquidation of colonialism. The West German Federal Republic and the South African apartheid regime are working together in a great variety of ways in the economic, political and military fields; detailed studies on this have been submitted to the UNO. Official West German sources themselves value the investments and capital assets of the West German monopoly capital in South Africa at 600 million marks; in fact, however, they are probably at least double that amount. The investment policy of the West German Federal Republic poses a great danger to the whole African continent and to world peace, since the sums mentioned above are invested chiefly in projects of the joint West German-South African armaments industry, i.e. in atomic research and for the preparation of a joint nuclear arms production as well as in the production of chemical warfare agents and the rocket industry. This policy of the West German Federal Republic constitutes a gross violation of resolutions passed by the UN General Assembly and the United Nations Security Council urging all states to immediately halt their military support for the apartheid regime of the South African Republic.

The United Nations are also aware of the wide support in the field of trade which the West German Federal Republic renders to the racist Smith regime in Southern Rhodesia. Figures contained in Document S/7781/Add. 1 for the period from January to September 1966 show that after the racist coup d'état in Southern Rhodesia the West German Federal Republic became the most important trading partner of the Smith regime. Representatives of the Government of the West German Federal Republic declared that also the demand contained in Resolution 232 of the Security Council which obliged all states to break off all trade relations with Southern Rhodesia would have no bearing on the implementation of long-term trade agreements between West German firms and Southern Rhodesian firms.

Moreover, there is particularly close cooperation between the West German Federal

Republic and the colonial power of Portugal. The Krupp firm concluded a contract with the Portuguese Companhia Mineira do Lobito, as early as 1960, under which it holds control over the iron and manganese ore deposits of Angola. Krupp made development investments to the tune of 190 million marks. The Krupp firm is at the head of an international syndicate which has invested over 500 million marks for the exploitation of the iron ore centre of Cassinga and which, in 1967, is to export more than 5 million tons of high-grade iron ore, a great part thereof to the Federal Republic (see Document A/AC 109/L 388/Add. 1).

The Government of the West German Federal Republic which, for the purpose of extending the raw material basis of the West German industry, is interested in the neo-colonialist expansion of the monopolies, supported the Krupp firm with a guarantee of more than 300 million marks.

In May 1967, it became known that representatives of West German monopolies and the West German government had reached agreement with the regimes in Lisbon, Pretoria and Salisbury concerning the joint exploitation of the uranium deposits in Mozambique. Prospecting for the abundant deposits is already being done in the uranium fields of Cahora Bassa by a group of specialists working for the Krupp concern.

Through the Rho-German Graphite Ltd. in which the graphite works Kropfmühl AG and Krupp have shares, West German monopolies are virtually the sole exploiters of the graphite deposits in Southern Rhodesia. Seen in connection with the West German Federal Republic's purchases of uranium ore in South Africa, these facts make it clear that the West German government promotes the neo-colonialist expansion of the monopolies also out of strategic considerations and misuses the raw material resources of still dependent territories in order to exploit them for preparing the production of nuclear weapons of its own with which it hopes to reach its political objectives.

The West German government sees in the maintenance and consolidation of colonial domination the strongest guarantee ensuring that the profit interests of the West German monopolies are preserved and that the raw material supplies are not interrupted, so that the implementation of the economic and strategic plans is assured. Therefore it protects by political, economic and not least by military measures the capital investments of the West German monopolies which draw huge profits from their capital exports to the still dependent territories. It participates directly in Portugal's colonial war against the national liberation movements in Angola, Mozam-

bique, and in so-called "Portuguese" Guinea. It supplies Portugal with arms and aircraft, erects military bases in Mozambique, assists in raising mercenary troops "for the protection of West German capital investments" in Angola and sends military experts to Portugal.

The West German Federal Republic's participation in suppressing by military means the national liberation movements in the territories still dependent and under colonial rule and the neo-colonialist expansion which prevents the development of independent economies in these territories – the essential precondition for full independence – are in sharp contrast to the aims of the Declaration on the Granting of Independence to Colonial Countries and Peoples and violate other important UN resolutions as well.

Proceeding from the anti-imperialist principles of its foreign policy and in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples whose Article 7 calls upon all states to observe its provisions, the Government of the German Democratic Republic assures the United Nations Organisation and the Afro-Asian states represented therein that it will support all measures to be taken for the implementation of the Declaration and will, also within the framework of the United Nations, do everything in its power to strengthen the cooperation with the states and peoples of Africa, the Near East, Asia and Latin America in order to overcome colonialism and liquidate the neo-colonialist exploitation.

The Government of the German Democratic Republic expresses the expectation that also the Twenty-Second Session of the United Nations General Assembly will take decisions that will effectively help the process of eliminating colonialism in all its forms.

Berlin, September 26th 1967

*Contribution of the Government of the German Democratic Republic
to the UN Trust Fund for South Africa*
*Letter of the Minister of Foreign Affairs of the German Democratic Republic,
Otto Winzer, to the Secretary General of the United Nations, U Thant,
of December 6th 1966:*

Excellency,

Permit me to inform you of the intention of the Government of the German Democratic Republic to place 5,000 US dollars at the disposal of the United Nations Trust Fund for South Africa (Res. 2054 B [XX] of Dec. 15th 1965).

The Government of the German Democratic Republic holds the view that the creation of the UN Trust Fund for South Africa can be of great use in the struggle of the African population for the elimination of the policies of racial discrimination as pursued by the Government of the Republic of South Africa.

Resolutely rejecting any form of colonialism, neo-colonialism and racial discrimination and giving active support to the relevant United Nations resolutions in conformity with the principles underlying its foreign policy, the German Democratic Republic, by its intention to contribute to the trust fund, gives fresh proof of its readiness to cooperate in implementing the great humanist aims of the United Nations Organisation.

May I ask Your Excellency for details as to how the contribution can be transmitted.

Accept, Excellency, the assurances of my distinguished consideration.

Otto Winzer

The letter of the Minister of Foreign Affairs of the German Democratic Republic, Otto Winzer, was transmitted to the Secretary General of the United Nations, U Thant, on January 24th 1967 through the good offices of the Permanent Representative of the Hungarian People's Republic to the United Nations, Ambassador Czatorday.

On March 5th 1967 the amount of US \$ 5,000 was transmitted to the Fund. The report of the Secretary General on the UN Trust Fund for South Africa of October 23rd 1967 (Doc. A/6873) mentions the contribution of the Government of the German Democratic Republic.

*Telegram of the Minister of Foreign Affairs of the German Democratic Republic,
Otto Winzer, to United Nations Secretary-General U Thant
of December 14th 1967 on the question of Cyprus*

Excellency,

In view of the latest events around Cyprus and the forthcoming discussion in the Security Council, I take the liberty to bring to your notice the point of view of the Government of the German Democratic Republic.

On the basis of the Charter and the decisions of the United Nations the Government of the German Democratic Republic supports the demand of the Government of the Republic of Cyprus for safeguards to ensure full respect for the sovereignty and territorial integrity of its country and the prohibition of any intervention in the latter's affairs.

In the opinion of the Government of the German Democratic Republic the withdrawal of all foreign military forces now on Cyprus and the dismantling of the military bases maintained by NATO powers is one of the basic prerequisites for a peaceful and lasting settlement. The Government of the German Democratic Republic most resolutely condemns the attempts of NATO, made with the active support of the West German Federal Republic, at incorporating Cyprus into its system of bases. It opposes the pressure exercised by NATO on the Government of the neutral Republic of Cyprus and the presumption of a number of NATO states to intervene in the domestic affairs of Cyprus by referring to the treaties of London and Zurich.

The Government of the German Democratic Republic is convinced that the Government and the people of Cyprus, if free from any outside pressure, will be in a position to solve their internal problems on their own.

I request Your Excellency to bring this statement to the notice of all Member States of the United Nations.

Accept the assurances of my most distinguished consideration.

Otto Winzer

*Statement of the Government of the German Democratic Republic
to the Secretary-General of the United Nations
on the Draft Articles on the Law of Treaties*

The Government of the GDR has followed with interest the work of the International Law Commission of the United Nations in the field of international treaty law and has taken due notice of the Draft Articles on the Law of Treaties adopted by the United Nations General Assembly on December 5th 1966 by Resolution 2166 (XXI).

The Government of the GDR is of the opinion that the codification of the general law of treaties is of eminent importance for the establishing of safe guarantees against the risk of new wars being unleashed, for the developing of secure relations of peace and peaceful coexistence among all states, irrespective of their political and social systems, as well as for the expanding of their peaceful, economic and cultural cooperation. Therefore, the Government of the GDR welcomes the efforts made by the United Nations with a view to codifying the international treaty law. It regards the Draft Articles submitted as a suitable basis for finding a positive solution to this important matter.

The Government of the GDR especially welcomes the fact that in the draft convention it is confirmed that correspondence between the contents of a treaty and the peremptory norms of general international law (*jus cogens*) is of decisive importance for the validity of international treaties, that it embodies the revocability and invalidity of all treaties brought about by unlawful means, or whose contents conflict with the basic principles concerning the maintenance of peace. The Government of the GDR regards this as a substantial corroboration of the fact that the removal of international danger-centres and the securing of lasting international peace can be achieved only by means of arrangements concluded on the basis of the strict observance of the binding principles on the respect of the sovereignty, territorial integrity and equality of all states as well as the prohibition of any intervention, aggression or annexation of foreign territory.

Moreover, it fully falls in line with the legal thinking of all peace-loving and democratic forces that treaties imposed on weaker nations by coercion through imperialist powers shall be without any legal effect. The convention, however, should consider that especially the former colonial powers frequently concede to peoples of newly independent nations settlements under international law only at the price of simultaneously laying down enslaving conditions running counter to the *jus cogens*. Therefore, the partial nullity of such treaties should not be excluded.

The Government of the GDR deems it essential that the convention on the general law of treaties should ensure to all states equal participation in the developing of international cooperation. In this connection it specially welcomes the express con-

firmation that all states have the capacity to conclude international treaties, which corresponds to the principle on equal sovereignty of all states. It seems to be of special significance in this context to ensure the universal participation of all states in all general international treaties and in such treaties as are universally important for the safeguarding of peace or the progressive development of international law and which, therefore, cannot be implemented except for the participation of the greatest possible number of states. From the point of view of guaranteeing peaceful relationship among all states, irrespective of their political and social systems, it seems to be necessary, therefore, to re-insert a relevant clause in the convention as had already been proposed by the 17th session of the International Law Commission. It should also be taken into consideration that the participation of a state in such treaties cannot be conditioned on its recognition by all other parties to these treaties. As international practice shows, notably in connection with the conclusion of the treaties on the nuclear test ban and the peaceful uses of outer space, it is only in this way that universal settlements for the safeguarding of peace can be achieved.

The Government of the GDR welcomes the fact that the convention on the general law of treaties envisages reliable and exact procedures for the preparation, entry into force and termination of international treaties, and that it takes into due consideration the necessity of simplifying and expediting the conclusion of international treaties. It would serve the interests of international legal security if the draft stipulations on the signing of treaties were defined more exactly by such provisions as contained in the draft articles submitted by the 17th session of the International Law Commission. Finally, it would serve to increase international legal security if the principle was adopted that the legal force of international treaties is not affected by conflicting provisions of the internal law of a state.

On the other hand, adoption of a provision under which the possibility of acceding to multilateral treaties is also conceded to those states to which these treaties were originally not open for accession, could be regarded helpful in the conclusion of treaties. Such a procedure, which had already been proposed by the 17th session of the International Law Commission, could be an essential contribution to guaranteeing the application of established rules in various fields of international peaceful cooperation without need for further negotiations on the conclusion of relevant new treaties on a regional or universal level.

The Government of the GDR, in conformity with its policy of guaranteeing international peace and the development of friendly relations among all states, has hitherto

done its utmost to support and promote all the efforts of the United Nations aimed at these goals.

Although it is only the member states of the United Nations which at present take part in the preparation of the convention on the general law of treaties, the Government of the GDR believes the codification of the general law of treaties is a matter of utmost interest to all states. Hence, all states should be enabled to take part in the proposed conferences on the drawing up of the convention on the general law of treaties.

It is the wish of the Government of the GDR to have by the present statement contributed to the preparation of the work of that conference.

Berlin, June 30th, 1967

*Statement of the Government of the German Democratic Republic
to the Twenty-Second Session of the United Nations General Assembly
on Agenda Item: Report of the Special Committee on Principles
of International Law concerning Friendly Relations and Cooperation among States*

The Government of the German Democratic Republic attaches great importance to the consideration of principles of international law concerning friendly relations and cooperation among states, with a view to further developing and codifying these principles in the light of the stage of development as has been attained in the field of international relations, and it has already expressed its opinion on this problem in its statements addressed to the Seventeenth and Eighteenth Sessions of the United Nations General Assembly (A/C.6/L. 513 and A/C.6/L. 530).

The Government of the GDR has noted with satisfaction that the United Nations have made progress in the consideration of the principles of international law concerning friendly relations and cooperation among states, which has also been manifested in Resolution 2131 (XX) on the inadmissibility of intervention in the domestic affairs of states and the protection of their independence and sovereignty, and in Resolution 2160 (XXI) on the strict observance of the prohibition of the threat or use of force in international relations, and of the right of peoples to self-determination.

The policy of the German Democratic Republic has always been aimed at establishing friendly relations and developing cooperation among states in accord with the principles of the United Nations Charter. At the same time the German Democratic Republic as a sovereign state claims the right that these principles be strictly observed also with regard to herself.

In the endeavour to encourage the adoption of an effective declaration of the United Nations on the principles of international law concerning friendly relations and cooperation among states, the Government of the GDR takes the liberty to point to a few aspects which in its opinion should be taken into consideration in the further codification work.

I.

In view of the existence of dangerous situations in the world due to the aggressive policies pursued by certain imperialist powers, extraordinary significance should be attached to the exact definition and further development of the principle of international law requiring states to refrain from the threat or use of force in their relations with each other. The Government of the GDR fully shares the statement contained in the report of the 1967 Special Committee on the principles of international law to the Twenty-Second Session of the United Nations General Assembly that the

militaristic circles of the West German Federal Republic constitute the main obstacle to complete détente in Europe. In disregard for the Potsdam Agreement the West German government demands access to nuclear weapons, pretends to representing Germany within the borders of the Hitlerite state, refuses to recognise the existence of the German Democratic Republic, and makes territorial claims towards other states such as the Polish People's Republic and the USSR. Therefore, a key problem of European security is to overcome that anti-relaxationist policy of the West German government which finds its dangerous expression in the revanchist pretension to sole representation. Basing on the endeavour of the Government of the German Democratic Republic not to allow that ever again a war of extermination starts from German soil, the Chairman of the GDR Council of Ministers, in his letter to the West German Chancellor of September 18th 1967, suggested that the relations between the two German states should be based on the generally accepted principles of international law, and that for this purpose a treaty on the establishment and fostering of normal relations between the GDR and the West German Federal Republic should be concluded.

In framing the relations between the two German states on the basis of the principles of peaceful coexistence the GDR Government is of the opinion that special importance should be attached to the strict observance of the principle concerning the prohibition of force. That is why the Chairman of the GDR Council of Ministers repeated in his letter referred to above the proposal that between the GDR and the West German Federal Republic agreements binding in international law should be concluded regarding the renunciation of the use of force in their mutual relations and the recognition of the present borders in Europe, especially the border between the two German states.

However, the government of the West German Federal Republic rejected these proposals of the GDR Government and persists in its illegal pretension that it devolved on it and not on the GDR Government to speak for the people of the German Democratic Republic. That pretension to sole representation constitutes a potential threat of force and annexation directed against the GDR and other states towards which the West German government makes territorial claims and towards which it pursues an aggressive policy. Consequently, the sole representation pretension is incompatible with the principles of international law concerning the prohibition of the threat or use of force in international relations, the non-interference in the domestic affairs of other states, the sovereign equality of states, the peoples' equal

rights and their right to self-determination, and with other principles laid down in the United Nations Charter.

In view of the fact that the sole representation pretension of the West German government constitutes an act of potential preparation of war, and that certain other states, such as Israel, also seriously threaten peace and security of the peoples by occupying territories belonging to other states, the Government of the GDR considers it imperative that the proposal of the USSR to agree as soon as possible upon a definition of the term aggression in the framework of the United Nations Organisation be realised. The elaboration of a clear and comprehensive definition of the term aggression will also be extremely helpful in repulsing and overcoming the sole representation pretension which is to serve the West German government as a pretext for aggressive acts against the GDR and other states.

The Government of the German Democratic Republic holds the view that in codifying the principles of international law concerning friendly relations and cooperation among states the confirmation of the principles of current international law under which the planning, preparation, unleashing or waging of a war of aggression are considered crimes against peace, and according to which all states are in duty bound to refrain from the use of economic, political and other pressure and from discriminatory acts which are directed against the political independence and territorial integrity of other states, is of great importance as well.

II.

Observance of the principle of sovereign equality of states is a basic prerequisite for the peaceful cooperation of all states on an equal footing. The Government of the GDR welcomes the fact that on important partial elements of this principle agreement could be reached in the framework of the codification work carried out by the United Nations.

An important element of this principle is the right of every peace-loving state to equal participation in the settling of international questions which concern its legitimate interests, including the right to become a member in international organisations and a party to multilateral treaties of general interest. The Government of the GDR joins in the demand raised by a large number of member-states of the United Nations that this sovereign right to which all states are entitled must be further developed and exactly defined in the framework of the codification of the principle concerning

the sovereign equality of states. Realizing that the present stage which has been achieved in the development of international relations makes it inevitable for all existing states to cooperate universally with one another in the political, economic, cultural and social fields, and that it devolves on the United Nations Organisation to encourage and protect this peaceful cooperation of all states whatever their political and social differences, the GDR has applied for membership in the United Nations. The membership of the German Democratic Republic in the United Nations would be a further step on the road to the universal implementation of the principle concerning the sovereign equality of states, and would undoubtedly promote the fulfilment of the tasks which the United Nations Organisation has set itself in its Charter.

The principle concerning the sovereign equality of states does not only include the rights of states but also their duty to respect the legitimate right of all peace-loving states to membership in international organisations and to participation in multilateral treaties of a general character. The attempts made by certain powers to bar peace-loving states from membership in international organisations or from participating in international conferences or multilateral treaties of a general character, because the former dislike the political and social systems of those states, constitute gross violations of the principles of sovereign equality of states and of the duty of states to cooperate with one another in accordance with the United Nations Charter.

The Government of the German Democratic Republic is of the opinion that the codification of the principles of international law concerning friendly relations and cooperation among states in the light of the present stage of development in international relations will be an essential contribution towards facilitating the struggle of the peace-loving peoples and states against the still continuing violations of the law of nations by certain aggressive states.

The Government of the German Democratic Republic declares that in continuation of its previous policy it will also in the future make every effort in order to safeguard international peace jointly with all other peace-loving peoples and states, to develop friendly relations among states and thus to contribute towards the universal and more effective implementation of the principles of international law contained in the United Nations Charter.

Berlin, October 26th 1967

Statement of the Ministry of Foreign Affairs of the German Democratic Republic to the 23rd Session of the United Nations Commission on Human Rights and to the UN Secretary General on the Preparation of a Convention on the Non-Applicability of Statutory Limitation to War Crimes and Crimes against Humanity

It is with satisfaction that the Ministry of Foreign Affairs of the German Democratic Republic took note of Resolution 1158 (XLI) adopted by the United Nations Economic and Social Council in which all states are urged to take measures to ensure the non-limitation of war crimes and crimes against humanity and to continue their efforts to see to it that persons responsible for war crimes or crimes against humanity are apprehended, extradited and punished, and that documents in their possession relating to such crimes are placed at the disposal of other states.

Already in the past few years the Government of the German Democratic Republic has informed the organs of the United Nations, such as the General Assembly, the Economic and Social Council and the Commission on Human Rights, on the measures taken by the government organs of the GDR with a view to prosecuting and punishing persons who committed crimes against humanity.

With its Note of February 22nd 1966 the Ministry of Foreign Affairs of the GDR transmitted to the Secretary General of the United Nations numerous laws, excerpts from legal decisions and other documents giving a survey of the way in which the prosecution of Nazi and war crimes has so far been handled in the GDR. The German Democratic Republic solemnly declares that in accordance with the principles of international law reconfirmed in Resolution 1158 (XLI) of the Economic and Social Council it will continue with this practice also in the future and will ensure that any Nazi and war criminal the organs of the German Democratic Republic get hold of will be justly punished.

Moreover, the Government of the GDR attaches great importance to the universal cooperation of all states in clearing up and prosecuting Nazi and war crimes. On September 1st 1964, the People's Chamber of the GDR adopted a law on the non-limitation of Nazi and war crimes which stipulates that legal assistance is to be granted to other states in the prosecution of crimes against peace, humanity and war crimes.

In the past few years the GDR has developed close cooperation with a number of European states in clearing up and prosecuting Nazi and war crimes. It has submitted also to the West German Federal Republic the offer that a joint commission composed of authorised representatives of the West German Ministry of Justice and the Prosecutor General of the GDR should be set up which would ensure that all original documents relating to Nazi and war crimes available in both German states are fully sifted.

The West German Government rejected this offer. This negative attitude of the

Government of the West German Federal Republic with regard to cooperation with the GDR in this important domain is an expression of West Germany's refusal on principle to meet its obligation in international law to comprehensively prosecute and punish Nazi and war crimes. Not least, the growing strength of the neonazist forces in West Germany derives from the fact that the West German Government retains thousands of persons heavily incriminated by war crimes and crimes against humanity, in influential positions of the West German state instead of seeing to it that these persons and all other Nazi and war criminals living unmolested in West Germany are justly punished.

The development of the neo-nazist movement in West Germany also constitutes a serious violation of the agreements concluded among the states of the anti-Hitler coalition, especially the Potsdam Agreement. That agreement contains the obligation, binding under international law, to destroy the Nazi party and its affiliated organisations. Moreover, the Potsdam Agreement includes the provision "to ensure that they are not revived in any form, and to prevent all Nazi and militarist activity or propaganda".

The Potsdam Agreement contains the clear stipulation that all Nazi and war criminals shall be brought to judgment and "all members of the Nazi party who have been more than nominal participants in its activities and all other persons who are hostile to the Allied aims . . . shall be removed from public or semi-public office and from positions of responsibility in important private undertakings."

Peace requires that these stipulations of the Potsdam Agreement are at last carried into effect in the West German Federal Republic, too.

The German Democratic Republic has on several occasions warned the organs of the United Nations that the West German Government policy of territorial claims on other states and its striving for nuclear weapons represents a direct encouragement of the forces of Nazism and militarism in West Germany and that immense dangers to peace and security in Europe arise from this.

The Ministry of Foreign Affairs again draws attention to the fact that the West German Federal Republic continues to abide by the law adopted by the Bundestag on March 25th 1965 by virtue of which in West Germany the prosecution even of the gravest Nazi and war crimes will be statute-barred upon the expiration of the year of 1969.

The Ministry of Foreign Affairs of the German Democratic Republic states that this law is in open contradiction to the principles of international law as reconfirmed

in Resolution 1158 (XLI) of the Economic and Social Council which bar the application of domestic prescriptions of limitation to crimes against peace, war crimes and crimes against humanity since these crimes are directed not only against individual persons but against the very foundation of the peaceful living-together of the peoples. The universal prosecution of and punishment for all crimes against peace, war crimes and crimes against humanity, unrestricted by any time limitations and irrespective of the time when they were committed, is a necessary consequence resulting from the principle prohibiting the threat to use force or the use of force in inter-governmental relations a consequence which no state can ignore.

In the German Democratic Republic the principle of international law of the non-applicability of statutory limitation to crimes against peace, war crimes and crimes against humanity is directly applicable law. The law on the non-limitation of Nazi and war crimes adopted by the People's Chamber stipulates that persons who committed, ordered or aided and abetted crimes against peace, humanity or war crimes shall be prosecuted and punished in accordance with the obligations under international law. The regulations on the limitation of the prosecution of ordinary criminal offences are not applicable to these crimes.

In accordance with this law and the consistent attitude of the GDR in the question of the punishment of Nazi and war criminals only recently a few more Nazi and war criminals, as e. g. Horst Fischer, one-time physician in the concentration camp of Auschwitz, and Otto Hebold, collaborator in the fascist so-called "Euthanasia programme", who had evaded prosecution for more than two decades, have been put on trial by the government organs of the GDR and have received their just punishment.

The Government of the GDR welcomes it that the Economic and Social Council in its Resolution 1158 (XLI) called upon the United Nations Commission on Human Rights to give, at its 23rd session, priority to the preparation of a Draft Convention confirming the international law principle of the non-applicability of statutory limitation to crimes against peace, war crimes and crimes against humanity.

As early as in its Statement to the Twentieth Session of the United Nations General Assembly the Government of the German Democratic Republic supported projects to this effect and suggested "that the United Nations Organisation, in preparing the 1968 International Year of Human Rights, as soon as possible take appropriate steps with a view to further develop and codify the generally recognised principles of international law on the prosecution and punishment as well as the non-limitation of crimes against peace, war crimes and crimes against humanity."

The Ministry of Foreign Affairs of the German Democratic Republic backs the proposal contained in the study of the Secretary General of February 15th 1966 relating to the question of punishment of war crimes and crimes against humanity, according to which the definitions of the crime against peace, war crime and the crime against humanity, as fixed in article 6 of the Charter of the International Military Tribunal in Nuremberg and confirmed by the General Assembly of the United Nations by Resolution 95 (I) of December 11th 1946 as generally recognised rules of international law, should be made the basis of the Convention on the non-applicability of statutory limitation.

The Ministry of Foreign Affairs of the German Democratic Republic shares the view expressed in the study of the Secretary General that the Convention should take account of the fact that crimes against humanity ought to be regarded as separate crimes rather than a category of offences accessory to crimes against peace and war crimes, and that the principle of the non-applicability of statutory limitation is applicable to all crimes against humanity regardless of whether they were committed in connection with crimes against peace or war crimes or not.

The universal character of the principle of the non-applicability of statutory limitation to crimes against peace, war crimes and crimes against humanity to be confirmed in the Convention requires that all states, without restrictions, are given the opportunity to accede to this Convention or to declare their accession. If participation in this Convention on the non-applicability of statutory limitation were limited to certain states, this would be in sharp contradiction to the Convention's purpose of ensuring that this principle of international law is universally applied by all states.

The German Democratic Republic declares its preparedness to cooperate actively in working out this Convention and to accede to it as soon as possible.

To prosecute and punish all crimes against peace, war crimes and crimes against humanity, irrespective of the time when they were committed, is not only a sacred duty towards the victims of these crimes but, at the same time, an inalienable prerequisite for the protection of human rights and fundamental freedoms, for safeguarding peace and security for all peoples.

Berlin, Febr. 10th 1967

*Letter of the Minister of Foreign Affairs
of the German Democratic Republic, Otto Winzer,
to United Nations Secretary General U Thant
of August 31st 1967 on the Question of Punishment of War Criminals
and of Persons Who Committed Crimes against Humanity.*

The Government of the German Democratic Republic has followed with great attention what has been said in UN bodies with regard to the problem of punishing war criminals and persons who committed crimes against humanity. It continues to attach special importance to this problem because it holds the view that an uncompromising prosecution and punishment of nazi and war criminals is an important prerequisite for preserving peace and guaranteeing the most elementary human rights.

In statements to UN bodies the Government of the German Democratic Republic has repeatedly expounded its position on this problem. In doing so it has proceeded from the fact that in the German Democratic Republic all prerequisites and safeguards are given which ensure that any nazi and war criminal seized by the organs of the German Democratic Republic receives just punishment in conformity with the rules of international law.

In its Note of February 22nd 1966 concerning the study on the non-applicability of terms of limitation to war crimes and crimes against humanity, the Ministry of Foreign Affairs of the German Democratic Republic set forth in detail to Your Excellency the basic stand of the German Democratic Republic on the problem of non-limitation and informed you through a number of documents about the rules of law applicable in the German Democratic Republic to the prosecution of nazi and war crimes. Permit me, Excellency, to transmit to you now a Memorandum of the Prosecutor General of the German Democratic Republic which, proceeding from Resolution 1158 (XLI), contains more special information that should be of interest to the Secretariate and the UN bodies concerned in connection with the study as regards "the ensuring of the arrest, extradition and punishment of persons responsible for war crimes and crimes against humanity, and the exchange of documents relating thereto."

(Excerpt)

Memorandum of the Chief Procurator of the German Democratic Republic on the question of the punishment of war criminals and of persons having committed crimes against humanity, with special regard to the study of the UN Secretary General concerning item 4 of Resolution 1158 (XLI) of August 5th 1966 adopted by the Economic and Social Council, which was transmitted by the Minister of Foreign Affairs of the German Democratic Republic, Otto Winzer, to the Secretary General of the United Nations, U Thant, together with a letter of August 31st 1967

1. Juridical Definition of War Crimes and Crimes against Humanity

With regard to the prosecution and punishment of persons guilty of war crimes and crimes against humanity, the German Democratic Republic has from the start been guided by the legal principles laid down in the Statute of the International Military Tribunal.

This was stated by the Ministry of Foreign Affairs of the German Democratic Republic in its Note of February 22nd 1966 to United Nations Secretary-General U Thant on his study relating to the non-applicability of terms of limitation to war crimes and crimes against humanity.

After the defeat of fascism the courts of the German Democratic Republic punished persons guilty of war crimes and crimes against humanity on the basis of Law No. 10 promulgated by the Allied Control Council on December 20th 1945.

Control Council Law No. 10 chiefly covered the acts named under Article 6 of the Statute of the International Military Tribunal, which has become part of the London Four Power Agreement of August 8th 1945 concerning prosecution and punishment of the major war criminals of the European axis.

In awareness of the fact that war crimes and crimes against humanity, in scope and dimension and because of their organisation by the entire fascist state machinery, differ from individual crimes punishable under national law both in terms of quantity and quality, Article 6 of the Statute of the International Military Tribunal was applied among others in the trial of Hans Globke.

When giving the reasons for its sentence against Hans Globke of July 23rd 1963–1 Zst (I) 1/63 – the Supreme Court of the German Democratic Republic stated that Article 6 of the Statute of the International Military Tribunal was the decisive, though not the only, source from which the content of the generally accepted principles of international law on the prosecution of persons guilty of war crimes and crimes against humanity clearly derives. It added that in compliance with Article 5 of the Constitution of the German Democratic Republic this Article 6 had to be directly applied as valid law. Such action did not require any domestic legislation, since Article 5 of the GDR Constitution gives the rules of international law immediate effect within the national boundaries.

The trial before the Supreme Court of the German Democratic Republic of former concentration-camp doctor Horst Fischer was held on the same basis. He was brought to justice on charges of having committed war crimes and crimes against humanity

and was sentenced on March 25th 1966 under Article 6 of the Statute of the International Military Tribunal. (An excerpt of the sentence is annexed.)

Jurisdiction in the German Democratic Republic recognises and consistently brings to bear the fundamental difference in the character of crimes under international law, on the one hand, and crimes punishable under domestic criminal law, on the other. War crimes and crimes against humanity declared punishable under international law rule out in this country the application of domestic criminal law.

The punishment to be imposed upon the defendant on conviction is deduced from § 1 of the Criminal Code which determines the frame of punishment for criminal offences. This ensures differentiated and just punishment of those tried in the German Democratic Republic on charges of war crimes and crimes against humanity.

In proceedings taken by courts of the German Democratic Republic for war crimes and crimes against humanity reference is made to the Law on the Non-Limitation of Nazi and War Crimes of September 1st 1964. In passing this Law, the German Democratic Republic has explicitly reaffirmed that persons guilty of such criminal offences are not entitled, under international law, to the benefits of any statute of limitation.

Based on the rules and principles of international law the draft of the new Criminal Code of the German Democratic Republic, which is currently under nation-wide public debate, contains provisions for punishing persons guilty of war crimes, crimes against peace and crimes against humanity. These provisions correspond in character to Article 6 of the Statute of the International Military Tribunal and take into account the experience gained in the application of this rule of international law. Their integration in domestic criminal law reflects the national responsibility of the German Democratic Republic to contribute to the safeguarding of peace and to halt the elements anxious to reverse the results of World War Two.

2. Ways and Means to Ensure the Arrest of Persons Guilty of War Crimes and Crimes against Humanity

After the defeat of fascism immediate measures were taken for the consistent prosecution of those having committed nazi and war crimes. The socio-economic roots of fascism were eradicated. Due to systematic and most thorough investigations which enjoyed active support from the population and were based primarily on testimony

provided by German and foreign anti-fascists and on voluminous documentation, the criminal prosecution authorities were able to apprehend and bring to justice those responsible for war crimes and crimes against humanity living on the soil of the German Democratic Republic. Cooperation in these efforts proved particularly efficient with the socialist states which had to bear the chief burden of the fascists' mass atrocities.

It is to be noted that in the German Democratic Republic (see Note of the GDR Ministry of Foreign Affairs of February 22nd 1966) full satisfaction has been given to the postulate laid down in the Potsdam Agreement in compliance with the will of the peoples and the German anti-fascists that "War criminals and those who have participated in planning or carrying out nazi enterprises involving or resulting in atrocities or war crimes shall be arrested and brought to judgment" (Potsdam Agreement, Section III, A 5.).

Still, due to the complex situation immediately after the war, the possibility could not completely be excluded for some of those responsible for war crimes and crimes against humanity to go underground in the German Democratic Republic.

The German Democratic Republic, however, ensures through its activity that even these individual culprits will not escape responsibility.

a) Tracking-down Methods

Systematic work is carried out to investigate nazi and war crimes and to expose the culprits. It is based on:

- evidence dealt with by, or underlying, the Nuremberg trials;
- other evidence in the possession of the anti-Hitler coalition countries, primarily the socialist member states;
- evidence from archives of the German Democratic Republic.

Archive records of the nazi era undergo regular checking and better evaluation from new angles based on the experience gained through many years of investigation of war crimes and crimes against humanity.

Much attention is given to hints or information from the GDR population and from abroad.

The results of trials conducted at home and abroad are thoroughly analysed and all indications for more investigation pursued.

Safeguards are provided for still unpunished culprits named in the Allied war

criminal lists to be arrested immediately in case they are discovered in the German Democratic Republic.

If a crime is exposed and investigators establish that the culprit, though his current whereabouts is not in the German Democratic Republic, was born on its territory or lived there before 1945, then he or she is put on the search list. In the absence of such conditions evidence compiled on such culprits in the German Democratic Republic is passed on to the respective countries.

In connexion with the handling of letters rogatory, evidence compiled by other states on criminal offences is taken note of and relevant material available at home is transmitted to these states.

b) *Methods to Compile Evidence*

The following is stated in addition to what has been pointed out under a):

During proceedings constant and intensive efforts are made to search for objective evidence and witnesses of the crime, in order to explore and determine the respective culprit's participation in the overall complex of the fascist crime. In so doing the judicial organs of the German Democratic Republic are guided by the principle that the objective of the proceedings is not to pass sentence on the criminal fascist regime in general, but always upon an individual who—to the extent of personal responsibility and guilt—took part in the perpetration of the crimes of fascism. The judicial organs of the German Democratic Republic deem it legally inadmissible to determine the character of the acts committed by the regime's henchmen by sole interference from this regime's criminal character in general. In this way they espouse the imperative legal concept that the criminal character of the offence charged, whatever its nature, general or fascist, must be established out of itself and its immediate context. This concept rejects any tendency to speak of collective guilt or collective liability and ensures that war criminals and criminals against humanity are also judged by the criterion of individual responsibility which is the only one to safeguard the triumph of justice.

Also conducive to the exact establishment of this extent of criminal participation is the probing into original records kept in archives of the German Democratic Republic and notably in countries where the crime was committed.

The judicial organs likewise analyse for their activities reports on historical research work systematically carried out on various aspects of the system and mechanism of

the state-instigated nazi and war crimes. Recourse to expert opinion has proved an efficient means to reveal the historical background and the instigators of the crimes as well as their causes and conditions, which serves the exact establishment of the culprit's personal responsibility and guilt. To this end, too, appropriate use is made for individual proceedings of the experiences gleaned in the Nuremberg trial of the main war criminals, in the subsequent trials and in other proceedings at home and abroad.

Investigation, identification, conviction and any other investigating activities are carried out on the basis of latest findings in criminology.

The safeguarding of evidence and the process of criminal investigations and proceedings are governed by the general rules of legal procedure in force in the German Democratic Republic.

3. Methods to Ensure Punishment of Persons Guilty of War Crimes and Crimes against Humanity:

a) Conditions and Procedure of Arrest

The conditions and procedure of arrest are governed by the general rules of the Code of Criminal Procedure of the German Democratic Republic.

Under this code action to remand a person in custody may only be ordered if there is strong reason to suspect him of having committed the offence charged and if there is a risk of flight or collusion (§ 141 of the Code of Criminal Procedure).

In view of the particular gravity of war crimes and crimes against humanity, suspicion of flight is considered present in such cases as a matter of principle.

Demand for issuing a warrant of arrest must be based on evidence compiled to date and found to be sufficient substance to the charge.

A person charged with an offence and arrested has to be subjected to a preliminary examination by the competent court within twenty-four hours at the latest and, if possible, immediately following his apprehension (§ 144 of the Code of Criminal Procedure). He has the right to file a complaint against the warrant of arrest within seven days (§ 145 of the Code of Criminal Procedure). Unless the complaint is granted by the court having issued the warrant of arrest, it is decided upon by the superior court.

b) *Prescription and Infliction of Punishment*

Punishment in the German Democratic Republic of persons guilty of war crimes or crimes against humanity may consist of hard labour terms between one and fifteen years or of imprisonment for life with hard labour or, in very serious cases, of the death penalty, as is provided for by § 1 of the Penal Code. In addition, under the provisions of § 32 of the Penal Code, courts may deprive such persons of all civil rights. Such deprivation in connection with temporary hard labour terms is declared at least for two years and must not exceed ten years.

The amount of punishment to be imposed in a given trial is conditional on the offender's individual extent of criminal participation, the extent of his guilt and the gravity of his crimes established after due consideration of all circumstances having influenced the offence, the commission of the offence and the offender.

Life terms are imposed upon persons found guilty of heavy crimes, notably murder or genocide; for very heavy crimes capital punishment is inflicted.

In the assessment of a penalty, courts take into account the principles of differentiation established by the International Military Tribunal in Nuremberg. Accordingly, severest punishment is inflicted primarily on persons who bear major responsibility for fascist war crimes and crimes against humanity. (With regard to sentences imposed in the German Democratic Republic reference is made to the Note of the GDR Ministry of Foreign Affairs, dated February 22nd 1966).

c) *Prerequisites for Mitigation of Punishment*

An offender's appealing in court that he was inescapably forced to act under orders is not considered in the German Democratic Republic a legal reason for exemption from punishment. If thorough examination of an individual case establishes that the person concerned was forced to act under orders, mitigation of punishment is admissible.

The GDR has adhered to this principle fixed in Article 8 of the Statute of the International Military Tribunal because only thus can it be ensured that all nazi and war crimes are consistently prosecuted and that this obligation in international law is fulfilled.

Constructions customary in West Germany to substantiate mitigation of punishment or even exemption from punishment, such as "lack of consciousness to feel the wrong," "erring conscience," the returning of verdicts for aiding instead of guilt, of

manslaughter instead of murder, or even endeavours to bar prosecution of such crimes under the statute of limitation, are unknown in the administration of justice of the German Democratic Republic, since they are incompatible with international law.

d) Applicability of Amnesty and Pardoning

Till now, no amnesty has been granted in the German Democratic Republic applying to war crimes and crimes against humanity.

The right to pardon is exercised in the German Democratic Republic by the Chairman of the Council of State. This right is unrestricted. That means that pardon can be given to a person convicted of war crimes and crimes against humanity; but this is an absolute exception.

As a rule, pardoning implies the reduction of the sentence pronounced, and it is not always tantamount to discharge from prison.

The release of a convict before having served the whole of his sentence is determined by the rules of the Code of Criminal Procedure. It is possible in principle to suspend the execution of a sentence. If a verdict exceeding six years of penal servitude was passed, the convict has to serve at least two thirds of the sentence before he may be released.

A premature discharge is possible only if the offender's record, his personality and the circumstances of the crime he committed justify such an act, and if there is reason to believe that the offender will in future behave properly (§ 346 of the Code of Criminal Procedure).

To war crimes and crimes against humanity particular stringency is applied in that respect.

4. Exchange of Documents about Persons Guilty of War Crimes and Crimes against Humanity

a) Conditions of Exchange and Relevant Procedures

Materials and documents are exchanged on the basis of agreements on legal assistance in criminal matters concluded between the German Democratic Republic and other states. The exchange of judicial records has also proved useful.

In executing letters' rogatory the German Democratic Republic furnishes evidence which is of importance to the complex of crimes to be investigated also to those states with which no inter-governmental agreements on legal assistance have so far been concluded, including West Germany, West Berlin, Austria.

The principle to provide legal aid to all states in the prosecution of crimes against the peace, crimes against humanity and of war crimes has explicitly been fixed in § 2 of the Law on the Non-Limitation of Nazi and War Crimes of September 1st 1964.

Since many persons, mainly those who in the central fascist administrations had drafted the criminal directives of the nazi regime and the comments on them, in anticipation of a consistent prosecution they expected to meet in the German Democratic Republic, had moved above all to West Germany in order to escape punishment in the GDR, hundreds of preliminary investigations instituted in this country were therefore referred to West German authorities, still in the first years after 1945, for further prosecution.

In 1948 alone, the public prosecutor's office of the district of Bernburg referred to West German criminal prosecution authorities preliminary investigation proceedings against 78 persons accused of complicity in assassinating persons in need of care in nursing and medical establishments of the nazi regime. This material included documents in support of the case against former state secretary Schlegelberger, against senior government councillors and district presidents and against a number of physicians who had a major share in these typical nazi massacres; one of them was Prof. Dr. Heyde (alias Sawade), who was responsible for the killing of tens of thousands of innocent people.

In accordance with the universal obligation to prosecute all nazi and war crimes the German Democratic Republic continues to make available comprehensive documents mainly to the West German Federal Republic, although no relevant agreements exist between the two German states.

After the founding of the West German Federal Republic the prosecution of national socialist crimes came almost to a standstill, and the carrying-out-law on Article 131 of the West German constitution enacted in 1951 provided for a preferential employment of former nazi officials in all spheres of the political and economic life. When year after year documentations about this state of affairs were published in Germany and abroad denouncing this neonazist personnel policy of the West German Federal Republic, which was incompatible with international law, the protests in the German and international public grew so strong that they forced the West

German government at the end of 1958 to deal again energetically with the prosecution and punishment of national socialist crimes. From that time until 1966 the Chief Procurator of the German Democratic Republic alone handed over to the West German judicial authorities evidence from state archives totalling more than 8,000 originals or photostat copies of documents along with over 900 death sentences which were demanded or imposed in defiance of international law by nazi jurists between 1933 and 1945, and who are now back in office in West Germany.

Moreover, legal assistance was granted between 1959 and 1966 for some 200 pending proceedings in West Germany against nazi criminals by providing testimonies of witnesses, experts and applications of co-plaintiffs living in the German Democratic Republic, for example in the case of the two Auschwitz trials and the Sachsenhausen trial.

It must be stated that such comprehensive legal assistance provided on the part of the German Democratic Republic and which made it possible to clearly establish the guilt of many nazi and war criminals – some of them holding now key positions in West Germany – has not brought about the necessary consequences on the part of the West German Federal Republic.

On more than one occasion West German authorities rejected or left unanswered offers to inspect original documents, which are held in the GDR, or declined to accept legal documents; or evidence handed over to them was either not evaluated or suppressed.

Notwithstanding these facts, the Chairman of the Council of Ministers and the Chief Procurator of the German Democratic Republic, in fulfilment of the obligation incumbent in international law on the Federal Republic to prosecute nazi and war crimes and to remove those guilty of such crimes from all public offices, offered to the West German Federal Republic on December 22nd 1964 and on February 5th 1965 to conclude an arrangement with a view to “ensuring full evaluation of the existing documentary material.”

Such an arrangement has so far failed to realise due to the negative attitude of the West German Federal Republic.

b) Texts of International Agreements on the Exchange of Such Documents

The German Democratic Republic is not a party to any multilateral agreement on the exchange of such documents.

Inter-governmental arrangements on the granting of legal assistance, including in criminal cases, were concluded with seven states. These arrangements contain no special stipulations with respect to war crimes and crimes against humanity.

As was mentioned above, these arrangements, however, form the basis on which the exchange of information and documents in this field is effected.

5. Methods to Ensure the Extradition of Persons Guilty of War Crimes and Crimes against Humanity

In accordance with the universal obligation in international law incumbent on all states to prosecute war crimes and crimes against humanity, citizens of the German Democratic Republic if guilty of such crimes are on principle tried by courts of the German Democratic Republic.

Nevertheless the German Democratic Republic, in conformity with the Moscow declaration of October 30th 1943 of the governments of Great Britain, the United States of America and the Soviet Union on the punishment of war atrocities and the London Four Power Agreement of August 8th 1945, does not exclude the extradition of persons guilty of war crimes and crimes against humanity on a basis of contractual arrangements to states in which the crimes were committed and which suffered direct damage as a result of such crimes, provided a consistent fulfilment of the rules and principles of international law with regard to the prosecution and punishment of these crimes is guaranteed in those countries as it is in the German Democratic Republic.

b) Texts of International Agreements on Extradition

The German Democratic Republic is not a party to international agreements on the extradition of persons who committed war crimes and crimes against humanity.

* also see excerpt from the sentence passed on concentration camp doctor Dr. med. Horst Paul Sylvester Fischer on March 25th 1966 – 1 Zst (I) 1/66 – by the Supreme Court of the German Democratic Republic, in the annex to this publication.

Statement by a Spokesman of the Ministry of Foreign Affairs of the German Democratic Republic of December 22nd 1967 on the Resolutions Adopted by the Twenty-Second Session of the United Nations General Assembly with Regard to the Completion of the Draft Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (A/RES/2338 [XXII]) and Measures against Nazism and Racial Intolerance (A/RES/2331 [XXII])

Following a detailed discussion, the XXIInd Session of the General Assembly of the United Nations adopted two resolutions which concern particularly the two German states.

There is first of all, a resolution which refers to the convention on the non-limitation of war crimes and crimes against humanity, and, secondly, a resolution to the effect that Nazism is incompatible with the aims of the United Nations Charter and the Universal Declaration of Human Rights.

In the first-mentioned resolution, an appeal is made by the General Assembly to all Governments to refrain from legal or other acts which might clash with a convention on suspending the statute of limitation in the case of war crimes and crimes against humanity which is about to be adopted.

In the second resolution, the General Assembly stresses the incompatibility of Nazism with the aims of the UN Charter and the Universal Declaration of Human Rights. All countries are called upon to take effective steps against Nazism and racist intolerance.

The GDR Foreign Ministry welcomes the adoption of these two resolutions. The GDR Government has repeatedly appealed to the United Nations Organization to enforce the implementation of the resolution concerning the prosecution and punishment of these crimes adopted twenty years ago. Just punishment for Nazi and war criminals is considered by the GDR an essential step for preventing new war crimes, for maintaining and consolidating peace and security.

On September 1st 1964, the GDR People's Chamber passed a law on the Non-limitation of Nazi and War Crimes. In statements and contributions addressed to UNO, the GDR Government has reported fully on its consistent steps taken in accordance with the aims of the UN Charter and the Universal Declaration of Human Rights, to prosecute and punish all war and Nazi criminals.

It is obvious that the appeal of the UN General Assembly concerns first of all the West German Federal Government. Discussion of non-limitation of war crimes and crimes against humanity by the General Assembly of the United Nations became necessary because some of the very worst crimes against humanity are still unatoned for in West Germany. War and Nazi criminals have remained unpunished and are even holding key positions in the Government and in industry. At the same time, the West German Government tries to rehabilitate war and Nazi criminals fully by 1969 with the help of a decision to apply the statute of limitation to Nazi and war criminals adopted by Federal Parliament. This is why the West German spokesmen tried

their best to prevent the United Nations Organization adopting a resolution against applying the statute of limitation in the case of war crimes.

This policy pursued by the Federal Government encourages the fascist elements needed to implement West Germany's chauvinist and revengist plans for Europe to organize. The party congress held by neo-Nazi NPD in Hanover proves this.

By agreeing to the two resolutions, the overwhelming majority of member states of the United Nations Organization have expressed their concern at this dangerous development in West Germany.

The West German Government is rightly expected to adhere to the United Nations resolutions which are as much in the interest of the West German people as of peace and European security.

1968 being proclaimed a Year of Human Rights by UNO General Assembly, is a special opportunity for denouncing neo-Nazi trends in West Germany and for asking the West German Federal Government to pursue a policy in accordance with the principles and aims of the United Nations Charter and the Universal Declaration of Human Rights.

Congratulatory Telegram of the Minister of Foreign Affairs of the German Democratic Republic, Otto Winzer, to the Executive Secretary of the United Nations Economic Commission for Europe, Vladimir Velebit, of March 28th 1967 on the occasion of the 20th anniversary of the foundation of the ECE

Dear Mr. Executive Secretary,

On the occasion of the 20th anniversary of the foundation of the United Nations Economic Commission for Europe I send you and through you to the whole Commission cordial congratulations.

The German Democratic Republic closely watches the activities of the ECE, the United Nations organ for promoting economic cooperation among all European countries. At the present time the work of the ECE has gained in importance because of the revolutionising changes in science and technology and their impact on industry and agriculture making all-European cooperation in economic and scientific-technical fields imperative.

The ECE cannot fulfil this task, however, unless all European countries participate in its work on an equal footing. Therefore, the GDR which ranks among the leading industrial countries of Europe also must be given an opportunity of sharing in the Commission's activities on a basis of equal rights.

Being a sovereign state in the middle of Europe, which ever since its founding has pursued a policy aimed at preserving peace and guaranteeing European security, a policy which is based on the goals and principles of the United Nations Charter, the German Democratic Republic has long been entitled to ECE membership.

I am convinced that through equal participation by all European states in the activities of the ECE the latter's authority and the effectiveness of its work would be enhanced considerably. At the same time, this would be an important contribution toward a system of European security, the creating of which is one of the most urgent tasks facing all European countries.

I wish you, Mr. Executive Secretary, and the Commission further success in the promotion of all-European cooperation for the good of all European peoples.

Otto Winzer

Mr. President,

The ECE meets for its 22nd plenary session at a time when the European peoples' striving for peace and security and for new ways to solve the political and economic problems in Europe is felt ever more strongly. In view of this situation the role of the ECE, which this year looks back on twenty years of activities, is of growing significance.

At present, all European states are faced with the task to create, for the sake of preserving and strengthening peace, a stable security system in Europe. The full development of economic cooperation among all European states based on the principle of equality and mutual advantage serves this purpose. Being a United Nations agency which has all-European tasks, the ECE has been and continues to be called upon to promote the development of economic and scientific-technical relations between all states of the ECE region on a basis of equal rights. The tendency of internationalising the entire economic life which is felt even more strongly as a result of the scientific-technical revolution calls for such cooperation.

This objective tendency requires also of the ECE to take, in its further work, these necessities into account and, acting in the spirit of the aims and principles of the United Nations Charter, to make use of all the potential, knowledge, experiences and possibilities available in Europe for all-European cooperation in the economic, commercial, scientific and technical fields. This calls for the renunciation of any discrimination and for the participation, on an equal footing, of all European states in this work.

It is time that the ECE applied the United Nations universality principle and – acting up to its specific task – enabled the German Democratic Republic to become a member of the ECE and to participate with equal rights in all its activities. It is only in this way that the ECE can truly fulfil its mandate and attain full effectiveness.

Being a developed industrial state the German Democratic Republic is an important factor in European economic life. With its industrial output growing by an annual average of 6.5 per cent and its national income by 4.5 per cent, the German Democratic Republic has continuously strengthened its economic positions in the last few years.

In 1966, industrial output represented a value of 131.5 thousand million marks while the produced national income amounted to 87.8 thousand million marks. In the same year, the foreign trade volume amounted to more than 26.5 thousand million foreign exchange marks, representing a 9-per-cent increase over 1965. The by far greater part

of this turnover is accounted for by trade with the European countries. Moreover, in recent years the German Democratic Republic has established relations of cooperation with numerous European states, including Western European countries.

With its considerable economic potential the German Democratic Republic is in a position to make a sizable contribution to developing scientific-technical cooperation within the framework of the ECE. Not least it is also the German Democratic Republic's geographical position in the centre of Europe which calls for its membership and equal participation in the ECE. Numerous ECE projects in the field of transport and communication, the development of East-West trade, the rational utilisation of energy resources and the combatting of air and water pollution cannot be solved without the full participation of the German Democratic Republic.

Since its founding the German Democratic Republic has pursued a policy which aims at preserving peace, developing cooperation between all states and creating a lasting European security system. The treaties on friendship, cooperation and mutual assistance concluded in March this year with the Polish People's Republic and the CSSR, which serve the creation of a stable peace order in Europe, are also convincing proof of this policy. All activities of the German Democratic Republic are in complete harmony with the principles and aims of the United Nations Organisation. Consequently, its claim to ECE membership is justified.

Permit me, Mr. President, to express the hope that the ECE may contribute at its 22nd plenary session to developing all-European cooperation. I wish the session good progress.

Otto Winzer

Statement of the GDR Ministry of Foreign Affairs to the 43rd Session of the United Nations Economic and Social Council on Agenda Item 18
"General review of the programmes and activities in the economic, social, technical co-operation and related fields of the United Nations, the specialized agencies, the International Atomic Energy Agency, the United Nations Children's Fund and all other institutions and agencies related to the United Nations system"

The German Democratic Republic has been watching with interest the activities of the United Nations Economic and Social Council (ECOSOC). Being one of the United Nations principal agencies ECOSOC has to perform important functions in coordinating the activities of the United Nations Organization in the economic, social, cultural and humanitarian fields. The speedy development of economy and technology makes ever new demands also on the international organizations and leads to higher forms of the international division of labour and of world-wide co-operation.

Fulfilment of these complex tasks is possible only if the maximum utilization of all available capacities and resources is ensured through the equal participation of all states on the basis of the principles laid down in the United Nations Charter.

The German Democratic Republic has repeatedly manifested its willingness to make its contribution towards international co-operation within the framework of the UN system on the basis of equal rights and respect for the sovereign rights of states. In its application of February 28th 1966 for admission to membership in the United Nations Organization the German Democratic Republic again declared solemnly that it is willing to assume and conscientiously carry out the obligations contained in the United Nations Charter. Also in its statements to the Economic and Social Council, as e. g. to the latter's 34th and 41st sessions (Documents E/L 961 and E/L 1136) it expressly declared its readiness for full and unreserved co-operation. In doing so it proceeded from its legitimate claim to participation with equal rights in all activities of ECOSOC and its bodies as well as of the United Nations specialized agencies.

The United Nations Economic and Social Council cannot ignore the fact that the full implementation of its resolutions and the activities of other UN bodies are impaired by the fact that the German Democratic Republic is still barred from equal participation. The German Democratic Republic has a considerable economic, scientific, technical and cultural potential. It ranks, as can be seen from comparing international statistics, among the world's ten leading industrial countries and over the last few years has continuously widened its external economic relations, especially with the developing countries. Its policy which is serving peace and international co-operation fully conforms to the principles and aims of the United Nations Organization.

Proceeding from the basic principles of the UN Charter, the Ministry of Foreign Affairs of the German Democratic Republic demands in this connexion to lift the impermissible restrictions of the conditions of participation in international confer-

ences and accession to international conventions that come under the competence of ECOSOC.

This applies, among other things, to such important conventions as the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of all Forms of Racial Discrimination and the Convention on Political Rights of Women as well as to various agreements that have come into existence under the auspices of the United Nations Economic Commission for Europe (ECE). Restrictive clauses on participation are also contained in ECOSOC resolutions adopted but very recently. Thus, according to Resolution 1129 (XLI), participation in the International Conference to Replace the Convention on Road Traffic and the Protocol on Road Signs and Signals shall be possible only for states members of the UN, the specialized agencies or the International Atomic Energy Agency. Obviously, it would run counter to the objectives of this ECOSOC conference if it were not possible for the German Democratic Republic with its highly developed road network and a considerable amount of transit traffic right in the middle of Europe to make its contribution towards fulfilling the tasks of the conference.

A majority of states has repeatedly, also in resolutions of the UN General Assembly, raised the demand for universal utilization of all capacities and resources in order to put them to use for all peoples and especially for the developing countries in overcoming the colonial heritage still weighing on them. Therefore, the Ministry of Foreign Affairs of the German Democratic Republic expresses the expectation that in the interest of fulfilling the tasks assigned to it ECOSOC will lift the restrictive conditions of participation and accession for the international conventions and conferences under its competence and contribute to implementing the principle of universality of the United Nations Organization and its bodies.

Berlin, July 31st 1967

Excerpt from the sentence passed on concentration camp doctor Dr. med. Horst Paul Sylvester Fischer on March 25th 1966 – 1 Zst (I) 1/66 – by the Supreme Court of the German Democratic Republic

In his capacity as SS-camp doctor the accused had to supervise all medical service ranks of the SS in these camps and all inmate doctors and inmate sick warders working in the barrack hospitals for the inmates and to check the hygienic installations in the inmates' quarters, in kitchens and latrines. His main "job" was the "lowering of the sick rate" by regular selections.

As a result of that a varying number of sick inmates was in each case "transferred" to the Auschwitz II (Birkenau) concentration camp which was tantamount to their extermination in the gas chamber or by phenol heart injection.

The functions of the accused also included selections in the inmates' quarters and from labour commandos.

Shortly after the arrival of the accused in the Auschwitz concentration camp, Wirths included him into the SS doctors' service schedule and assigned him to superintending the SS disinfectors to secure the extermination process.

The accused admitted in the course of the trial to have taken part on twelve occasions – from late 1942 to spring 1943 – in the above manner in the gassing of 250 to 300 at a time, i. e. of at least 3,000 deportees in the "sauna" (SS-slang for gas chamber, Trans. note).

In April 1943, the accused himself made selections of deportees on the loading ramp under the stipulations of the service schedule.

From spring 1943 up to about May 1944, the accused had every week 24 hours "duty on the loading ramp", from May to August 1944, in view of the great number of transports, he was on such duty twice a week for 12 hours each.

He confessed to having done the selection on the loading ramp in the case of 40 to 50 transports totalling from 80,000 to 100,000 deportees from April 1943 to August 1944.

According to what the accused stated the number of deportees found to be fit for work averaged only from 25 to 30 per cent. Consequently, he ordered the gassing of at least 55,000 deportees.

According to what the accused stated he checked from March 31st 1943 to May 10th 1943 at intervals of from 10 to 14 days the SS disinfectors' work of filling Zyklon-B gas into the gas chambers of the crematorium that had just been put into operation, thus securing the extermination of the victims.

Hence, in at least four cases, he had a hand in the annihilation of a total of 2,400 deportees. In autumn 1943 the accused took also part in the extermination in the crematorium of a strong contingent of deportees from Norway. These deportees, too, had been told that they would be taken to the "bathroom". When the deportees

became aware that the SS had deceived them, one of them grabbed a pistol from an SS-man and wounded two of them. Following that, the accused drew his pistol and helped cover the crematorium. In the end, from 10 to 20 deportees were shot dead by the SS in the dressing room, and the others were gassed. Moreover, late in 1943, the accused, in his capacity as doctor-on-duty, took part in the extermination of a 20-man group of inmates that was housed in a barrack close to the "old loading ramp" and on special duty in one of the crematoria.

During the hearing of the evidence the accused was found guilty of having through his signature unhesitatingly given the permission for the execution of brutal bodily ill-treatment in 71 cases.

The hearing of the evidence showed that the accused when deputising for the camp-doctor of the main camp in spring and autumn 1943 also selected inmates for annihilation in the hospital barrack for inmates, in blocs 9, 20 and 21.

In spring and autumn 1943, the accused as acting doctor in the main camp thus chose at least 870 inmates to be killed in the gas chambers and/or by phenol injections, whereby in each case the lowest figures given by the witnesses were taken as a basis.

From March 1943 – excluding a period of about 6 weeks – the accused acted as SS camp-doctor in the Monowitz concentration camp. At irregular intervals he selected varying numbers of inmates in the hospital, the inmates' barracks and from the labour commandos. It has been proved that from the hospital barracks alone he selected over this period at least 4,000 inmates in the above way for extermination.

During an air-raid on August 20th 1944 – according to the testimony by witness Niedojadlo – between 200 and 300 inmates were wounded. Instead of giving them medical assistance the accused selected more than one hundred of them for the gas chamber.

The accused has been found guilty of having selected for gassing at least 2,400 inmates from labour commandos.

The hearing of the evidence, based on the testimonies of the witnesses and the statements of the accused, shows that over the above period he selected for extermination at least 1,300 inmates from the branch camps of Jaworznow, Swientochlowice, Janinagrube, Jawischowitz, Golleschau and others that belonged to Auschwitz III concentration camp.

The testimonies of the witnesses and the statements of the accused prove that he took part in the extermination of at least 70,000 deportees and concentration-camp

inmates when acting as SS camp-doctor and when deputising for the SS-garrison doctor in the Auschwitz concentration camp.

During the time of the fascist tyranny the accused who held the rank of an SS-Obersturmfuehrer and SS-Hauptsturmfuehrer, respectively, took part, in his capacity as SS doctor in the Auschwitz concentration camp, in the killing of tens of thousands of deportees of different nationalities, thereby and through other actions becoming guilty of most serious, wilful crimes against humanity under Article 6, letter c, of the Charter of the International Military Tribunal (IMT).

The factual elements as defined in the IMT-Charter with regard to crimes against the peace, war crimes and crimes against humanity have to be directly applied as valid law, as already pointed out by the Supreme Court in its sentence passed on Globke on July 23rd 1963 – I Zst (I) 1/63.

They were formulated and defined by the powers of the anti-Hitler coalition to punish those who had become guilty of participating in crimes perpetrated in a planned manner and by systematically using the fascist state machinery.

Article 6 of this Charter which was provided for in the agreement on the prosecution and punishment of the major war criminals of the European Axis of August 8th 1945 lays down and defines for the time being such factual elements for the first time in an international law treaty as condition the technical competence of the International Military Tribunal for bringing to trial the major war criminals, without any new definition of punishable offences being created therewith.

The content of the universally recognised rules of international law on the prosecution of crimes against the peace, war crimes and crimes against humanity follows in a decisive measure and unequivocally from Article 6 of the IMT-Charter. From this derives for the national criminal law of states where murder, bodily harm, ill-treatment, robbery etc. are without exception also declared punishable as individual criminal offences that the peoples have the right and the duty to label and try as crimes under international law within the meaning of the IMT-Charter such state-organised mass crimes as are designed to assassinate, exterminate, plunder and enslave entire peoples.

Since Article 5 of the Constitution of the German Democratic Republic gives immediate effect to the universally recognised rules of international law in domestic jurisdiction, the offences mentioned in Article 6 of the IMT-Charter, being law in force, are directly applicable, without any specific domestic legislation being required.

The offences committed by the accused constitute without exception crimes against humanity within the meaning of Article 6, letter c of the IMT-Charter. They differ as to their way of perpetration from individual crimes of a general nature insofar as they, forming part of the mass crimes of monstrous proportions centrally planned and organised by the fascist state, were committed in collaboration with many others who jointly brought about the criminal effect.

The offences of the accused constituted an essential part of the mass killing of deportees and other inmates of the Auschwitz concentration camp. The perpetration of these crimes of homicide on such a scale would have been impossible but for the close collaboration among larger groups of SS men acting according to a definite plan thus jointly bringing about the criminal effect. In his function as SS doctor the accused took part in these crimes in various ways. When selecting arriving transports of deportees on the loading ramp it was his task in the perpetration of these crimes to decide which of these people seemed useful for being exploited through work and which of them were to be killed by Zyklon-B poison gas. Immediately after he had made such a decision the latter, in most cases amounting to about two thirds of the people arriving on one transport, sometimes even more, were – strictly guarded by other SS criminals – taken to the gas chamber chosen for their annihilation.

After the gas chamber had been closed and bolted the SS disinfectors let the poison gas stream into it thus killing those inside.

It was almost impossible to evade this process since the victims did not realise or realised too late that they were being deceived in a devilish and frequently perfect manner and, furthermore, since numerous armed SS men who strictly guarded them would have foiled any attempt to escape.

By a mere motion of his hand the accused “selected” those deportees who he considered unfit for work. In actual fact this was a decision by which the accused ordered the assassination of these people, setting in motion, at the same time, the further criminal process envisaged for the execution. Thus, the “selection on the loading ramp” was a necessary and essential contribution of the accused to the murder of many tens of thousands of deportees committed jointly with other SS men, which brands him as a perpetrator.

Through these selections the accused has become an accessory to the murder of at least 55,000 deportees.

In legal terms his selections on the “loading ramp” have to be regarded as equivalent to his selections in the hospital barracks, the inmates’ quarters and from among

incoming or outgoing labour commandos insofar as he carried them out in Auschwitz I (main camp) and Auschwitz III (Monowitz and branch camps).

His participation in murdering at least 5,400 deportees in the gas chamber camouflaged as a "sauna", in the gas chamber of crematorium II and in exterminating a group of inmates on special duty has also to be judged as a crime committed jointly with the other SS men involved.

In these mass crimes it was only through the concerted acting of the SS men entrusted with the various tasks that the overall criminal effect could be brought about. Whether they had to watch over the transport of inmates or the selections, whether they guarded the doomed men to see to it that none of them would evade his fate, whether they locked the gas chamber doors behind them, dropped the Zyklon-B crystals into the gas chambers or whether they – like the accused – as SS doctors saw to it that none of the murderers sustained injuries or lost his life while working with the gas during the perpetration of the crime. All these were vital elements conditioning each other and indispensable for the overall criminal effect.

Insofar as the accused as SS doctor confirmed by his signature in at least 71 cases that there was no objection to the corporal punishment of inmates, this, too, was an indispensable element for executing this ill-treatment.

Consequently, the accused is guilty as perpetrator of all the offences he is charged with.

The accused took part, on a monstrous scale, in the genocide planned and committed by the tyrannic fascist regime and selected for extermination at least 70,000 innocent victims, amongst them many children, old people and women who had been forcibly deported from many European countries and brought to Auschwitz.

All these crimes against humanity were wilfully committed by the accused.

The accused acted in the endeavour to serve the fascist regime and to enforce its aims.

Nor can the accused plead to have committed these crimes under general orders or orders specially given to him. According to international and criminal law, acting under orders is no legal reason for justification or exemption from punishment, it may, however, be considered in mitigation. In the present case, however, this is precluded by the abominable proportions of his crimes alone.

Hence he is guilty on all charges.

Since his offences were committed over a coherent period and since they always

served the same end and were perpetrated in an identical manner they have to be regarded as being a continuous act.

Hence, the accused shall be sentenced according to § 1, para. 1 of the Supplement to the Criminal Law. The accused committed his grave crimes in the Auschwitz concentration camp over a period of about 2 years.

His crimes are marked by unscrupulous disregard for the right of existence and the dignity of his victims from many European countries as well as by extraordinary intensity.

Proceeding from the total number of deportees and inmates singled by him for extermination and without consideration of the steadily rising number of selections on the loading ramp this adds up to almost 3,000 crimes of homicide a month and almost 100 a day in the perpetration of which he had a decisive share over the given period. Murder was a part of his everyday life.

Thereby he placed himself outside the humanitarian principles of civilised mankind. He stood face to face with the tens of thousands of his innocent and helpless victims, ranging from children to old people, he heard their desperate cries and their death-rattle but showed no mercy. There can be no other punishment for him but the death penalty.

The nature and the gravity of the crimes committed by the accused made it necessary to deprive him for life of his civil rights according to § 32 of the Penal Code.

TABLE OF CONTENTS

Statement to the 18-Nation Disarmament Committee of March 7th 1967	5
Statement to the 18-Nation Disarmament Committee of October 10th 1967	10
Statement on the Situation with Regard to the Negotiations on the Treaty of Non-Proliferation of Nuclear Weapons of November 5th 1967	14
Statement on the Israeli Aggression against Arab States of June 7th 1967	16
Statement to the Special Session of the United Nations General Assembly of June 20th 1967	18
Statement on the Occupation of South Korea by United States and other Foreign Forces of August 30th 1967	23
Statement on Resolution 232 of the Security Council concerning the Application of Sanctions against the Racist Smith Regime in Southern Rhodesia of January 21st 1967	25
Statement to the Twenty-Second Session of the United Nations General Assembly with Regard to Questions of the Struggle against Colonialism and Neo-Colonialism of September 26th 1967	27
Contribution to the UN Trust Fund for South Africa	31
Telegram on the Question of Cyprus of December 14th 1967	32
Statement on the Draft Articles on the Law of Treaties of June 30th 1967	33
Statement to the Twenty-Second Session of the United Nations General Assembly on the Codification of the Principles of International Law concerning Friendly Relations and Co-operation among States of October 26th 1967	36
Statement on the Preparation of a Convention on the Non-Applicability of Statutory Limitation to War Crimes and Crimes against Humanity of February 10th 1967	40
Memorandum on the Question of the Punishment of War Criminals and of Persons Having Committed Crimes against Humanity of August 31st 1967	45
Statement by a Spokesman of the Ministry of Foreign Affairs of December 22nd 1967 on the Resolutions Adopted by the UN General Assembly with Regard to the Conclusion of a Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and Measures against Nazism and Racial Intolerance	55
Congratulatory Telegram of March 28th 1967 on the Occasion of the 20th Anniversary of the Foundation of the ECE	57

Letter to the President of the 22nd Plenary Session of the ECE of April 8th 1967	58
Statement to the 43rd Session of the United Nations ECOSOC on Agenda Item	
“General Review of the Programmes and Activities in the Economic, Social, Technical Co-operation and Related Fields of the UN, the Specialized Agencies, the International Atomic Energy Agency, the UN Children’s Fund and other Institutions and Agencies Related to the UN-System”	
of July 31st 1967.	60
Annex	63

[illegible]

8204-2

HX 632 A1 W9 NO-845
WORLD COMMUNISM IN THE 20TH
CENTURY A COLLECTION OF
PAMPHLETS ACCOMPANIED BY A
39268382 HSS



000003985819

HX 632 A1 W9 no.845
World communism in the 20th
century.

0172047A MAIN

